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**1999**

# ***Illinois Register***

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Rules of Governmental Agencies

Volume 23, Issue 20 — May 14, 1999

Pages 5,635 – 5,972

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Index Department  
Administrative Code Div.  
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published by  
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Secretary of State



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May 14, 1999 Volume 23, Issue 20

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|                                      |                            |
|--------------------------------------|----------------------------|
| April 16, 1999 - Issue 16: Through   | March 31, 1999             |
| July 16, 1999 - Issue 29: Through    | June 30, 1999              |
| October 15, 1999 - Issue 42: Through | September 30, 1999         |
| January 14, 2000 - Issue 3: Through  | December 31, 1999 (Annual) |



## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 1999

| Issue #  | Copy Due by 4:30 p.m. | Publication Date  | Issue #  | Copy Due by 4:30 p.m. | Publication Date |
|----------|-----------------------|-------------------|----------|-----------------------|------------------|
| Issue 1  | December 21, 1998     | January 4, 1999 * | Issue 28 | June 28               | July 9           |
| Issue 2  | December 28           | January 8         | Issue 29 | July 6 ***            | July 16          |
| Issue 3  | January 4, 1999       | January 15        | Issue 30 | July 12               | July 23          |
| Issue 4  | January 11            | January 22        | Issue 31 | July 19               | July 30          |
| Issue 5  | January 19            | January 29        | Issue 32 | July 26               | August 6         |
| Issue 6  | January 25            | February 5        | Issue 33 | August 2              | August 13        |
| Issue 7  | February 1            | February 16       | Issue 34 | August 9              | August 20        |
| Issue 8  | February 8            | February 19 **    | Issue 35 | August 16             | August 27        |
| Issue 9  | February 16 ***       | February 26       | Issue 36 | August 23             | September 3      |
| Issue 10 | February 22           | March 5           | Issue 37 | August 30             | September 10     |
| Issue 11 | March 1               | March 12          | Issue 38 | September 7 ***       | September 17     |
| Issue 12 | March 8               | March 19          | Issue 39 | September 13          | September 24     |
| Issue 13 | March 15              | March 26          | Issue 40 | September 20          | October 1        |
| Issue 14 | March 22              | April 2           | Issue 41 | September 27          | October 8        |
| Issue 15 | March 29              | April 9           | Issue 42 | October 4             | October 15       |
| Issue 16 | April 5               | April 16          | Issue 44 | October 12 ***        | October 22       |
| Issue 17 | April 12              | April 23          | Issue 43 | October 18            | October 29       |
| Issue 18 | April 19              | April 30          | Issue 44 | October 25            | November 5       |
| Issue 19 | April 26              | May 7             | Issue 45 | November 1            | November 12      |
| Issue 20 | May 3                 | May 14            | Issue 46 | November 8            | November 19      |
| Issue 21 | May 10                | May 21            | Issue 47 | November 15           | November 29 *    |
| Issue 22 | May 17                | May 28            | Issue 48 | November 22           | December 3       |
| Issue 23 | May 24                | June 4            | Issue 49 | November 29           | December 10      |
| Issue 24 | June 1 ***            | June 11           | Issue 50 | December 6            | December 17      |
| Issue 25 | June 7                | June 18           | Issue 51 | December 13           | December 24      |
| Issue 26 | June 14               | June 25           | Issue 52 | December 20           | December 31      |
| Issue 27 | June 21               | July 2            | Issue 1  | December 27           | January 7, 2000  |

\* Monday following a state holiday.

\*\* Tuesday following a state holiday.

\*\*\* Since the state holiday is a Monday, the deadline is Noon on Tuesday.



## ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Functions and Planning Program
- 2) Code Citation: 23 Ill. Adm. Code 2310
- 3) Section Numbers: 2310.80  
Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act [110 ILCS 1015/5.01, 5.07 and 5.13].
- 5) A Complete Description of the Subjects and Issues Involved: Section 2310.80 is being amended to decrease the Annual Fee which the Authority charges to institutions which have outstanding financings through the Authority. The decrease in the Annual Fee is being proposed because the Annual Fee is a user fee intended to reimburse the Authority for the cost of providing services. The Authority projects that the Annual Fee revenue at the lower rate will be sufficient for the Authority to meet its operating expenses.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Not applicable as the Authority does not receive any State funding.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments will be accepted for 45 days after the date of publication of this notice at the following address:
- Thomas P. Conley  
Executive Director  
Illinois Educational Facilities Authority  
120 South Riverside Plaza, Suite 1200  
Chicago, Illinois 60606  
(312) 876-6804
- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Not for Profit Cultural and Educational businesses

## ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

## NOTICE OF PROPOSED AMENDMENT

- B) Reporting, bookkeeping or other procedures required for compliance  
None
- C) Types of professional skills necessary for compliance: None

The full text of this Proposed Amendment is identical to the text of the Emergency Amendment appearing on page 5635 in this issue of the Illinois Register.



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Temporary Assistance for Needy Families

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers:  
112.78 Proposed Action:  
Amendment

4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

5) A Complete Description of the Subjects and Issues involved:

Changes are being made to clarify the post-secondary education provisions and in response to comments received on amendments proposed by the Department to 89 Ill. Adm. Code 112 (published January 22, 1999, at 23 Ill. Reg. 831) regarding the time limit on receipt of benefits for clients enrolled in post-secondary education. As a result of these proposed amendments, approval of post-secondary education will be part of the process of developing the Responsibility and Services Plan (RSP) with the client. Factors which will be considered when the determination is being made as to whether post-secondary education is appropriate will include, but are not limited to, the client's educational and work history, the client's aptitude for further education, the client's career goal, the client's ability to finance tuition and other expenses not provided by the Department, and the client's ability to arrange transportation, child care and other family obligations.

This rulemaking also establishes that clients with an approved RSP for full-time post-secondary education and a cumulative 2.5 or better grade point average (on a 4.0 scale) may not be subject to the minimum work requirement described in 89 Ill. Adm. Code 112.78(h)(1)(L) as follows:

1. For the first semester, while the client is establishing a grade point average, the client will not be subject to the minimum work requirement. If a 2.5 grade point average is not achieved in the first semester, the client will be subject to the minimum work requirement in the second semester.
2. As long as the client's cumulative GPA remains at least 2.5, the client will not be subject to the minimum work requirement.
3. If the client's cumulative GPA falls below 2.5 at any time, the client may continue to go to school full-time for another semester without being subject to the minimum work requirement.
4. If the cumulative GPA is below 2.5 for 2 semesters in a row, the client will be subject to the minimum work requirement.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

6) Will this proposed rulemaking replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

| Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|----------------------------|
| 112.2           | New Section     | 23 Ill. Reg. 831           |
| 112.10          | Amendment       | 23 Ill. Reg. 384           |
| 112.131         | Amendment       | 23 Ill. Reg. 4586          |
| 112.134         | Amendment       | 23 Ill. Reg. 4586          |
| 112.141         | Amendment       | 23 Ill. Reg. 4586          |
| 112.155         | Amendment       | 23 Ill. Reg. 4586          |
| 112.250         | Amendment       | 23 Ill. Reg. 4586          |

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 5634.

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standard Procurement

2) Code Citation: 44 Ill. Adm. Code 2000

3) Section Numbers: Proposed Action:  
2000.2020 Amendment

4) Statutory Authority: 30 ILCS 500

5) A Complete Description of the Subjects and Issues Involved: Section 1-30 of the Illinois Procurement Code requires that constitutional officers procure their needs in a manner substantially in accordance with the requirements of the Code, and that such officers promulgate rules to govern procurement that are no less restrictive than the requirements of the Code. This rulemaking changes from \$10,000 to \$25,000 the amount below which competitive procurement procedures need not be used. The amendment will conform to a similar proposed change in DCMS, Attorney General, Lt. Governor and Office of the Governor rules.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Mr. Jack L. Gooding, Purchasing Agent  
Office of the Secretary of State  
Budget & Fiscal Management, Purchasing Division  
124 Howlett Building  
Springfield IL 62756  
(217) 782-0828

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None



## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The State of Illinois Procurement Policy Board created pursuant to Section 5-5 of the Illinois Procurement Code [30 ILCS 500/5-5] unanimously adopted a motion allowing the Chief Procurement Officers to modify the small purchases no-bid maximum by promulgating rules as established by Section 20-20 of the Code [30 ILCS 500/20-20]. The Board proposed that \$25,000 should be the maximum established by rule. The proposal was published in the Illinois Procurement Bulletin as required by Section 5-5 of the Code. The Office of the Secretary of State has determined that increasing the small purchase threshold is in the best interest of the Office. Pending contracts and limited staffing require increasing this threshold immediately to reduce the work load required for competitive bidding within the scope of this limit and allow concentration of effort on larger competitively bid projects.

The full text of the Proposed Amendment is identical to the Emergency Rulemaking which appears on page 5613 in this issue of the Illinois Register.

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- | <u>Section Numbers:</u> | <u>Adopted Action:</u> |
|-------------------------|------------------------|
| 240.260                 | Amendment              |
| 240.400                 | Amendment              |
| 240.410                 | Amendment              |
| 240.480                 | Amendment              |
| 240.715                 | Amendment              |
| 240.1010                | Amendment              |
| 240.1440                | Amendment              |
| 240.1535                | Amendment              |
| 240.1610                | Amendment              |
| 240.1650                | Amendment              |
| 240.1655                | Repealed               |
| 240.1660                | Amendment              |
| 240.1661                | Amendment              |
| 240.1665                | Amendment              |
| 240.1720                | Amendment              |
| 240.1800                | Amendment              |
- 4) Statutory Authority: 20 ILCS 105/4.01 (11)
- 5) Effective Date of Amendments: May 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 4, 1998 22 Ill. Reg. 15753
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Differences between proposal and final version: The following substantive changes have been made subsequent to the first notice period. Section 240.260 Subsection 240.260(b)(4) Inserted the correct form name "Interagency Certification of Screening Results" in place of outdated form title. Section 240.1010 Subsection 240.1010(b) Inserted the correct form name "Interagency Certification of Screening Results" in place of outdated form title. Section 240.1535 Subsection 240.1535(a)(3) Revised to allow grandfathering of homemaker supervisor's qualifications, who hold the position effective May 1, 1999. In addition, edits were made in response



## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

to comment from the Joint Committee on Administrative Rules staff.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any proposed amendments pending on this Part? No

15) Summary and Purpose of Amendments: Rules are amended in Part 240 to address miscellaneous Community Care Program corrections and/or edits needed throughout the rulemaking. The rulemaking also addresses revisions in the appeal, assessment, scoring, procurement and program review Sections.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Pamela W. Balmer, Assistant  
Office of General Counsel  
Illinois Department on Aging  
421 East Capitol Avenue #100  
Springfield, Illinois 62701-1789  
(217) 785-3346

The full text of the adopted amendments begins on the next page:

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER II: DEPARTMENT ON AGING

PART 240  
COMMUNITY CARE PROGRAM

## SUBPART A: GENERAL PROGRAM PROVISIONS

| Section |   |
|---------|---|
| 240.100 | Community Care Program                                    |
| 240.110 | Department Prerogative                                    |
| 240.120 | Services Provided   |
| 240.130 | Maintenance of Effort                                     |
| 240.140 | Program Limitations                                       |
| 240.150 | Completed Applications Prior to August 1, 1982 (Repealed) |
| 240.160 | Definitions   |

## SUBPART B: SERVICE DEFINITIONS

| Section |                                       |
|---------|---------------------------------------|
| 240.210 | Homemaker Service                     |
| 240.220 | Chore-Housekeeping Service (Repealed) |
| 240.230 | Adult Day Care Service                |
| 240.240 | Information and Referral              |
| 240.250 | Demonstration/Research Projects       |
| 240.260 | Case Management Service               |
| 240.270 | Alternative Provider                  |
| 240.280 | Individual Provider                   |

## SUBPART C: RIGHTS AND RESPONSIBILITIES

| Section |  |
|---------|--|
| 240.300 | Applicant/Client Rights and Responsibilities           |
| 240.310 | Right to Apply   |
| 240.320 | Nondiscrimination                                      |
| 240.330 | Freedom of Choice                                      |
| 240.340 | Confidentiality/Safeguarding of Case Information       |
| 240.350 | Applicant/Client/Authorized Representative Cooperation |
| 240.360 | Reporting Changes                                      |
| 240.370 | Voluntary Repayment                                    |

## SUBPART D: APPEALS

| Section |                              |
|---------|------------------------------|
| 240.400 | Appeals and Fair Hearings    |
| 240.405 | Representation               |
| 240.410 | When the Appeal May Be Filed |
| 240.415 | What May Be Appealed         |



## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

|         |  |
|---------|--|
| 240.420 | Group Appeals                                |
| 240.425 | Informal Review                              |
| 240.430 | Informal Review Findings                     |
| 240.435 | Withdrawing an Appeal                        |
| 240.436 | Cancelling an Appeal                         |
| 240.440 | Examining Department Records                 |
| 240.445 | Hearing Officer                              |
| 240.450 | The Hearing                                  |
| 240.451 | Conduct of Hearing                           |
| 240.455 | Continuance of the Hearing                   |
| 240.460 | Postponement                                 |
| 240.465 | Dismissal Due to Non-Appealance              |
| 240.470 | Rescheduling the Appeal Hearing              |
| 240.475 | Recommendations of Hearing Officer           |
| 240.480 | The Appeal Decision                          |
| 240.485 | Reviewing the Official Report of the Hearing |

## SUBPART E: APPLICATION

|         |   |
|---------|---|
| Section |   |
| 240.510 | Application for Community Care Program  |
| 240.520 | Who May Make Application                |
| 240.530 | Date of Application                     |
| 240.540 | Statement to be Included on Application |

## SUBPART F: ELIGIBILITY

|         |                               |
|---------|-------------------------------|
| Section |                               |
| 240.600 | Eligibility Requirements      |
| 240.610 | Establishing Eligibility      |
| 240.620 | Home Visit                    |
| 240.630 | Determination of Eligibility  |
| 240.640 | Eligibility Decision          |
| 240.650 | Continuous Eligibility        |
| 240.655 | Frequency of Redeterminations |
| 240.660 | Extension of Time Limit       |

## SUBPART G: NON-FINANCIAL REQUIREMENTS

|         |  |
|---------|--|
| Section |  |
| 240.710 | Age  |
| 240.715 | Determination of Need                                      |
| 240.720 | Clients Prior to Effective Date of This Section (Repealed) |
| 240.725 | Clients After Effective Date of This Section (Repealed)    |
| 240.726 | Emergency Budget Act Reduction (Repealed)                  |
| 240.727 | Minimum Score Requirements                                 |
| 240.728 | Maximum Payment Levels for Homemaker Service               |
| 240.729 | Maximum Payment Levels for Adult Day Care Service          |

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

|                                   |  |
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| 240.730                           | Plan of Care   |
| 240.735                           | Supplemental Information                                   |
| 240.740                           | Assessment of Need   |
| 240.750                           | Citizenship  |
| 240.755                           | Residence  |
| 250.760                           | Furnishing of Social Security Number                       |
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| 240.810                           | Assets   |
| 240.815                           | Exempt Assets  |
| 240.820                           | Asset Transfers  |
| 240.825                           | Income   |
| 240.830                           | Unearned Income Exemptions                                 |
| 240.835                           | Earned Income  |
| 240.840                           | Potential Retirement, Disability and Other Benefits        |
| 240.845                           | Family   |
| 240.850                           | Monthly Average Income                                     |
| 240.855                           | Applicant/Client Expense for Care                          |
| 240.860                           | Change in Income   |
| 240.865                           | Application For Medical Assistance (Medicaid)              |
| 240.870                           | Determination of Applicant/Client Monthly Expense for Care |
| 240.875                           | Client Responsibility                                      |

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| 240.910 | Written Notification  |
| 240.915 | Service Provision   |
| 240.920 | Reasons for Denial  |
| 240.925 | Frequency of Redeterminations (Renumbered)  |
| 240.930 | Suspension of Services  |
| 240.935 | Discontinuance of Services to Clients   |
| 240.940 | Penalty Payments  |
| 240.945 | Notification  |
| 240.950 | Reasons for Termination   |
| 240.955 | Reasons for Reduction or Change   |

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## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

|                      |   |
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| Section              |   |
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| 240.1120             | Individual Transfer Request - Vendor to Vendor - With Change in Service |
| 240.1130             | Individual Transfers - Case Coordination Unit to Case Coordination Unit |
| 240.1140             | Transfer of Pending Applications  |
| 240.1150             | Interagency Transfers   |
| 240.1160             | Temporary Transfers - Case Coordination Unit to Case Coordination Unit  |
| 240.1170             | Caseload Transfer - Vendor to Vendor                                    |
| 240.1180             | Caseload Transfer - Case Coordination Unit to Case Coordination Unit    |

## SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

|  |   |
|--|---|
| Section  |   |
| 240.1210                                       | Administrative Service Contract   |
| SUBPART M: CASE COORDINATION UNITS AND VENDORS |   |
| Section  |   |
| 240.1310                                       | Standard Contractual Requirements for Case Coordination Units and Vendors |
| 240.1320                                       | Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts           |
| 240.1330                                       | General Vendor and CCU Responsibilities (Repealed)                        |
| 240.1396                                       | Payment for Services (Repealed)   |
| 240.1397                                       | Purchases and Contracts (Repealed)  |
| 240.1398                                       | Safeguarding Case Information (Repealed)                                  |
| 240.1399                                       | Suspension/Termination of a Vendor or Case Coordination Unit (CCU)        |

## SUBPART N: CASE COORDINATION UNITS

|          |   |
|----------|---|
| Section  |   |
| 240.1400 | Community Care Program Case Management                                  |
| 240.1410 | Case Coordination Unit Administrative Minimum Standards                 |
| 240.1420 | Case Coordination Unit Responsibilities                                 |
| 240.1430 | Case Management Staff Positions, Qualifications and Responsibilities    |
| 240.1440 | Training Requirements For Case Management Supervisors and Case Managers |

## SUBPART O: PROVIDERS

## Section

240.1800  
240.1850

Community Care Program ~~to~~ Advisory Committee  
Technical Rate Review Advisory Committee (Repealed)

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| 240.1510 | Provider Administrative Minimum Standards  |
| 240.1520 | Provider Responsibilities  |
| 240.1530 | General Homemaker Staffing Requirements  |
| 240.1535 | Homemaker Staff Positions, Qualifications and Responsibilities                     |
| 240.1540 | General Chore-Housekeeping Staffing Requirements (Repealed)                        |
| 240.1545 | Chore-Housekeeping Staff Positions, Qualifications and Responsibilities (Repealed) |
| 240.1550 | Standard Requirements for Adult Day Care Providers                                 |
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| 240.1560 | Adult Day Care Staff Qualifications  |
| 240.1565 | Adult Day Care Satellite Sites   |
| 240.1570 | Service Availability Expansion   |
| 240.1575 | Adult Day Care Site Relocation   |
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| 240.1590 | Standard Requirements for Individual Provider Services                             |

## SUBPART P: PROVIDER PROCUREMENT

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| 240.1605 | Procuring Provider Services   |
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| 240.1645 | Objection to Procurement Action Determination                                   |
| 240.1650 | Classification, Identification and Receipt of Provider Service Violations       |
| 240.1655 | Method of Identification of Provider Service Violations (Repealed)              |
| 240.1660 | Provider Performance Compliance Reviews of--Contracted--Provider Agencies       |
| 240.1661 | Provider and Case Coordination Unit Right to Appeal                             |
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## SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

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| 240.1920 | Fixed Unit Rate of Reimbursement for Homemaker Service                          |
| 240.1930 | Fixed Unit Rates of Reimbursement for Adult Day Care Service and Transportation |
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| 240.1960 |   |

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**AUTHORITY:** Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(1)].

**SOURCE:** Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendments suspended at 16 Ill. Reg. 1744; emergency amendments modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendments at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendments at

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16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendments at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendments at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16880; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 23 Ill. Reg. 2496, effective February 1, 1999; amended at 23 Ill. Reg. ~~1643~~ <sup>1643</sup> effective

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## SUBPART B: SERVICE DEFINITIONS

## Section 240.260 Case Management Service

Case management service is defined as the provision of a comprehensive needs assessment and service coordination by Case Coordination Units (CCUs) to assist an older person to gain access to and receive needed services.

## a) Service Components

Specific components of case management service include the following:  
1) Review of all inquiries to determine if application for Community Care Program (CCP) services is desired, and maintenance of an application request inquiry log.

2) Distribution, and assistance with completion of Community Care Program applications.

3) Performance of determinations/redeterminations of eligibility, including a needs assessment comprehensive assessments, plan of care development, and authorization of CCP services.

4) Availability to receive client inquiries and requests, by telephone or in person, and respond to such inquiries and requests.

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- 5) Nursing facility home prescreenings, see Section 240.1010 of this Part.
- 6) Department of Human Services OBRA-1 Department-of-Mental-Health and-Developmental-Disabilities-(BMHDB) (Level I ID Screen) identification-screenings.
- 7) Provide referrals to other needed services.
- 8) Implementation of services and client transfers.
- 9) Authorization of all actions related to the disposition of CCP services as required by CCP rules 240.100 through 240.2050 of this Part.
- b) Unit of Service
- Several different types of assessments units constitute a case management unit of service services for which reimbursement is made.
- 1) Completion of one initial eligibility determination for Community Care Program services constitutes one unit.
- 2) Completion of one required continuous eligibility annual redetermination of Community Care Program eligibility within the fiscal year constitutes one unit. A redetermination shall be completed at least annually.
- 3) Completion of one interim-redetermination-of-eligibility:
- A) following an initial-eligibility-determination-if-conducted within-the-same-fiscal-year; or
- B) following an annual-redetermination-of-eligibility-if conducted within-the-same-fiscal-year.
- 3)4) Completion of one face-to-face prescreening of an applicant constitutes one unit.
- 4)5) Completion of one Department of Public Aid Interagency Certification of Screening Results--Determination-of--imminent Risk form Form, following prescreening by hospital discharge staff constitutes one unit.
- 5)6) Availability to receive client inquiries and requests, by telephone or in person, and to respond to such inquiries and requests for each active client per month constitutes one unit.

(Source: Amended at 23 Ill. Reg. 5642 effective MAY 1 1999)

## SUBPART D: APPEALS

## Section 240.400 Appeals and Fair Hearings

- a) Any individual who applies for or receives Community Care Program (CCP) services of any kind has the right to appeal a decision, action or inaction of the Department, a Case Coordination Unit (CCU) or a provider. If the decision, action or inaction is based on an automatic change in eligibility, rates or benefits required by Federal or State law which adversely affects some or all clients, the appeal will be automatically denied and the individual will not be afforded a

hearing. The applicant/client/authorized representative shall be notified of his/her right to appeal by the CCU at the time the applicant/client/authorized representative is notified of the action taken. The individual shall be given an explanation of the right to appeal at the time of the initial home visit and upon request. A copy of the rights and responsibilities of a CCP applicant/client (including an explanation of the right to appeal) shall be provided in written format to all applicants/clients/authorized representatives during the initial home visit for determination of eligibility and upon request.

- b) It shall be the responsibility of the applicant/client/authorized representative to advise the Department of his/her intent to appeal.
- c) The effective date of the appeal is the date on which an applicant/client/authorized representative indicates to the Department the intent to appeal either by telephone or in writing.
- d) If the Department is advised of the intent to appeal either by letter or by telephone, the Department shall, within two 2 work days, send to the appellant a Notice of Appeal to Department on Aging form to be completed and signed by the appellant/authorized representative.
- e) The written notice of appeal must be filed with the Department on a Notice of Appeal to Department on Aging form and shall be completed and executed by the appellant/authorized representative and returned to the Department.
- f) The executed Notice of Appeal to Department on Aging form must be submitted to the Department at the following address:

Illinois Department on Aging  
Division of Long Term Care  
421 East Capitol Ave., #100 Post-Office-Box-60  
Springfield, Illinois 62701-1789 62705

- g) No later than ten 10 work days from the date of receipt of Notice of Appeal to Department on Aging form, the Department shall send written acknowledgment of receipt acknowledge--receipt--thereof to the appellant/authorized representative and shall--send--copies--of--said acknowledgement to all other parties to the appeal.
- h) The written Notice of Appeal to Department on Aging shall include the following:
- 1) the name, address and telephone number of the applicant/client filing the appeal, or on whose behalf the appeal is filed; and
  - 2) the name, address, and telephone number of the authorized representative, if any, filing the appeal on behalf of the applicant/client; and
  - 3) the specific action being appealed, including the date of notice advising the applicant/client/authorized representative of the action appealed and the effective date of that action; and
  - 4) the name of the Case Coordination Unit as indicated on the notice of the action being appealed.



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- 1) Effective April 1, 1992, Case Coordination Units are to provide a copy of any notice of adverse action to any applicant's/client's authorized representative, if the client has earned ten (10) points on the Mini-Mental State Examination (MMSE). If the authorized representative is a family member residing with the client, the single notice to the client will suffice.

(Source: Amended at 23 Ill. Reg. 5642, effective MAY 1 1999)

## Section 240.410 When the Appeal May Be Filed

- a) The right to appeal must be exercised within sixty (60) calendar days from the date the notice of the action being appealed was sent to the applicant/client advising the action being taken by the Case Coordination Unit (CCU) such as:
- 1) the date the notice was sent by a CCU of a decision on an application; or
  - 2) the date the notice was sent by a CCU or the Department of a reduction or termination of Community Care Program (CCP) services; or
  - 3) the date the notice was sent by a CCU or the Department of denial of a request or other action which aggrieves the applicant/client, when that denial or action was other than an application decision or a decision to reduce or terminate services.

- b) If a notice of appeal is filed after the sixty (60) calendar day time period, the right to appeal is not affected. However, the final administrative decision of the Department will not be favorable to the appellant if it is determined that the sixty (60) calendar day time period applies to the situation and has expired.

- c) The sixty (60) calendar day time limitation does not apply when:
- 1) a CCU or the Department fails to send the required written notification of the action taken which is being appealed; or
  - 2) a CCU or the Department fails to allow fifteen (15) calendar days from the date of the notice to the effective date of the action appealed; or
  - 3) a CCU, provider, vendor or the Department fails to take any action on a specific request made by an applicant/client within fifteen (15) calendar days from the date of request as required in Section 240.1520 of this Part; or
  - 4) a CCU, provider, vendor or the Department denies a request without informing the applicant/client in writing within fifteen (15) calendar days from the date of request as required in Section 240.1520 of this Part; or
  - 5) a CCU or provider vendor failed to advise the applicant/client of the right to appeal; or
  - 6) a CCU or provider vendor has violated CCP rules.

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- d) If an applicant/client/authorized representative advised the Department by telephone of his/her intent to appeal and subsequently files a written appeal with the Department, the date of the documented telephoned intent shall be the date of filing of the appeal.
- e) If the intent to appeal by or on behalf of a client is filed within ten (10) calendar days from the date of the notice of adverse action (refer to Section 240.160 of this Part) and is followed by a written appeal as requested by the Department, Community Care Program services shall be continued at the level in effect prior to the notice of adverse action until the final decision in the appeal is reached. The client/authorized representative and all other interested parties to the appeal shall be notified in writing by the Department of the continuation of the client's services at the previous level. If the Department determines that the health, safety or welfare of the provider/vendor/direct service services worker shall be jeopardized if service is continued (refer to Section 240.350 of this Part (b)(4)), the client's right to continued service may be denied until the appeal decision is reached.
- f) Services shall not be continued during the appeal process for an individual receiving interim services. Those individuals receiving interim services have not received full eligibility for the Community Care Program, have applicant status only, and are presumed eligible until a full determination of eligibility has been completed.

(Source: Amended at 23 Ill. Reg. 5642, effective MAY 1 1999)

## Section 240.480 The Appeal Decision

- a) The decision resulting from the appeal shall be made in writing no later than ninety (90) calendar days from the close of the hearing record effective--date-of-the-appeal--extended-by-any-delays-caused-by-the-appellant. The appellant/authorized representative and all other parties to the appeal shall be notified by sending to them a copy of the decision by United States mail. The decision shall be made by applying Department rules to the particular case situation. Appeals shall be considered on a case by case basis.
- b) The Final Administrative Decision shall be issued by the Director of the Department and it shall either:
- 1) uphold or modify the Hearing Officer's recommendation in the appeal;
  - 2) not uphold the Hearing Officer's recommendation; or
  - 3) determine a lack of Department jurisdiction.
- c) The decision shall instruct the vendor/Case Coordination Unit (CCU)/Department to take corrective action as appropriate. In the event that the applicant/client who is a party to the appeal purchased services not provided by the vendor during the period in which the appeal was conducted, the Department will reimburse the

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applicant/client under the following conditions:

- 1) the decision rendered by the Department is in favor of the applicant/client in whose behalf the appeal was taken; and
- 2) either:

A) the appeal was filed based upon the denial of an application; or

B) the appeal was filed as the result of discontinuance of services due to the failure of the client to make payment of incurred expense for care as assessed in accordance with Sections 240.855 and 240.870 of this Part.

- d) Payment shall be authorized only for the level, type and amount of services for which payment would have been made through the Community Care Program during the same time period. Payment shall not exceed the amount which would have been paid through the Community Care Program for the same services.

- e) The decision resulting from the appeal and the recorded transcript shall become a part of the record of the appeal.

(Source: Amended at 23 Ill. Reg. 6342, effective MAY 1 1999)

## SUBPART G: NON-FINANCIAL REQUIREMENTS

## Section 240.715 Determination of Need

- a) To be eligible to receive Community Care Program (CCP) services, an individual shall exhibit a need for long term care. The Determination of Need, a standardized form, specifies the factors which together determine the individual's need for long term care.
- b) The need for long term care is based upon the determined need for a continuum of in-home and community-based services to prevent inappropriate or premature placement in an institutional long term care facility.
- c) The extent and degree of an applicant's/client's need for long term care shall be determined on the basis of impaired cognitive and functional status as well as the available physical/environmental supports provided to the applicant/client by family, friends or others in the community.
- d) The Determination of Need consists of two parts:
  - 1) The Mini-Mental State Status Examination (Folstein, Folstein and McHugh, 1975, no later editions or amendments included) measures cognitive functioning of the applicant/client.
    - A) The applicant/client who receives a score equal to or more ~~less~~ than 21 ~~ten~~ shall be considered to be cognitively intact and zero points shall be added to the Part A, Level of Impairment, score on the Determination of Need.
    - B) The applicant/client who receives a score of 20 ~~11~~ or less ~~more~~ or who has been diagnosed by a physician or

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psychiatrist as having dementia, Alzheimer's disease, or organic brain syndrome shall be considered to be cognitively impaired and ten points shall be added to the Part A, Level of Impairment, score on the Determination of Need.

- C) Ten additional points shall be added to the Part A, Level of Impairment, score on the Determination of Need for the applicant/client who meets the following three criteria:

i) Applicant/client has been adjudicated disabled or incompetent by a Probate Court judge or judge assigned to render a decision on such matters in a court of competent jurisdiction; and

ii) a physician or psychiatrist licensed by the State of Illinois has certified that in his/her professional judgement the applicant/client suffers from Alzheimer's disease, organic brain syndrome, or dementia; and

iii) a physician or psychiatrist licensed by the State of Illinois has certified that in his/her professional judgement the applicant/client requires 24-hour home and community-based services to remain in the home.

- 2) The Determination of Need measures the applicant's/client's ability to perform the following activities of daily living (ADLs) and instrumental activities of daily living (IADLs):

- A) Activities of Daily Living
  - i) Eating
  - ii) Bathing
  - iii) Grooming
  - iv) Dressing
  - v) Transferring
  - vi) Incontinence
- B) Instrumental Activities of Daily Living
  - i) Preparing meals
  - ii) Being alone
  - iii) Telephoning
  - iv) Managing money
  - v) Routine health
  - vi) Special health
  - vii) Outside home
  - viii) Laundry
  - ix) Housework

- e) The Determination of Need scale includes the six ADLs and nine IADLs identified. Each function is scored in two parts: Part A - Level of Impairment, and Part B - Unmet Need for Care.

1) Part A, Level of Impairment, of the Determination of Need measures the ability of the applicant/client to perform each ADL and IADL function. A scoring range of zero through three indicates the degree of impairment of the applicant/client in the performance of ADLs and IADLs.



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- A) A score of zero for any function indicates that the applicant/client performs or can perform all essential components of the activity, with or without an existing assistive device, such that:
- i) no significant impairment of function remains; or
  - ii) activity is not required by the applicant/client (routine health and special health only); or
  - iii) the applicant/client may benefit from but does not require supervision or physical assistance.
- B) A score of one for any function indicates that the applicant/client performs or can perform most essential components of the activity, with or without an existing assistive device, but some impairment of function remains such that the applicant/client requires some supervision or physical assistance to accomplish some or all components of the activity. This includes the applicant/client who:
- i) experiences minor, intermittent fatigue in performing the activity; or
  - ii) takes longer time to accomplish than an unimpaired person requires; or
  - iii) must perform the activity more frequently than an unimpaired person.

- C) A score of two for any function indicates that the applicant/client cannot perform most of the essential components of the activity, even with an existing assistive device, and requires a great deal of assistance or supervision to accomplish the activity. This includes the applicant/client who:
- i) experiences frequent fatigue in performing the activity; or
  - ii) takes an excessive amount of time to perform the activity; or
  - iii) must perform the activity much more frequently than an unimpaired person.

- D) A score of three for any function indicates that the applicant/client cannot perform the activity and requires someone to perform the task, although the applicant/client may be able to assist in small ways, or requires constant supervision.

- 2) Part B, Unmet Need for Care, of the Determination of Need measures the need of the applicant/client for assistance/performance/supervision for each ADL and IADL function which is not being met by non-CCP resources in the community (e.g., family, friends, local services).

- A) A score of zero for any function indicates that there is no impairment, or that the applicant's/client's need for assistance is met to the extent that the applicant/client is at no risk to health or safety if additional assistance is

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not acquired, or that additional assistance will not benefit the applicant/client, or that the applicant's/client's needs are being met by non-CCP resources and, therefore, the applicant/client has no need for assistance.

- B) A score of one for any function indicates that the applicant's/client's need for assistance is met most of the time, but the applicant's/client's health and safety are at minimal risk if additional assistance is not acquired.
- C) A score of two for any function indicates that the applicant's/client's need for assistance is not met most of the time and the applicant's/client's health and safety are at moderate risk if additional assistance is not acquired.
- D) A score of three for any function indicates that the applicant's/client's need for assistance is rarely, or never, met and the applicant's/client's health and safety are at severe risk, which would require acute medical intervention, if additional assistance is not acquired.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective MAY 1 1999)

## SUBPART J: SPECIAL SERVICES

## Section 240.1010 Nursing Facility Screening

- a) Nursing facility prescreening is the assessment of the need for long term care placement of all individuals age 60 and over, regardless of the payment source, prior to placement in a nursing facility. Except as indicated in subsections (g) and (h) of this Section, any individual seeking admission to a nursing facility must be screened to determine his or her need for nursing facility services pursuant to this Section. For the purposes of this Section, "nursing facility" means a location licensed under the Nursing Home Care Act (210 ILCS 45), or a location certified to participate in the Medicare program under Title XVIII of the Social Security Act (42 USC 301 et seq.) or the Medicaid program under Title XIX of the Social Security Act.
- b) Prescreening shall be accomplished by the administration of the Community Care Program (CCP) Determination of Need, completion of the Illinois Department of Public Aid (DPA) Interagency Certification of Screening Results form (DPA-18R), and completion of an Illinois Department of Human Services (DHS) Mental--Health--and--Developmental Disabilities--(BMHDB) Level I ID Screen identification--screening if the individual is determined appropriate for nursing facility placement. Prescreening may occur:

- 1) when hospital discharge planners have advised the CCU of the imminent risk of nursing facility placement of a patient who meets the above criteria and in advance of discharge of the patient; or

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- 2) when a CCU has been advised of the imminent risk of nursing facility placement of an individual in the community.
- c) A CCU must complete a DPA Interagency Certification of Screening Results BPA-IER form within two calendar work days from the receipt of advice of imminent risk discharge from a hospital or admission from the community.
- d) Responsibility for prescreenings shall be vested in the CCUs. However, CCUs may delegate authority to perform prescreenings to hospital discharge planners/social workers who have received training by the Department (refer to Section 240.740 of this Part), regularly attend required ongoing training, and who, in the professional judgement of the CCU, are qualified and approved to administer the CCP Determination of Need.
- e) The individual who is prescreened shall:
  - 1) be informed, of all appropriate options including nursing facility, in-home and community-based services; and
  - 2) be advised of his/her right to refuse nursing facility, in-home, community-based, or all services.
- f) Postscreening shall occur if an individual is admitted to a nursing facility without benefit of prescreening. Postscreening may occur:
  - 1) after nursing facility placement in an emergency situation. The CCU shall conduct prescreening within 15 calendar days from the date of the request for postscreening;
  - 2) for nursing facility admissions from a hospital emergency room, outpatient services, or an out-of-state hospital.
- g) Nursing facility prescreening does not apply to the following:
  - 1) Transfers from one nursing facility to another.
  - 2) Admissions to a continuing care retirement community with which the individual has a Life Care contract.
  - 3) Admissions to hospice.
  - 4) Returns to a nursing facility from a hospital.
  - 5) Admissions to a nursing facility from the community for respite care for a period of no more than 15 days.
  - 6) Admissions to sheltered care facilities.
  - 7) Individuals who resided in a nursing facility for a period of at least 60 calendar days who are returning to a nursing facility after an absence of not more than 60 calendar days.
  - h) Any individual who has been admitted to a nursing facility that operates under the Hospital Licensing Act [210 ILCS 85], or provider licensed under Section 35 of the Alternative Health Care Delivery Act [210 ILCS 3/35], whose actual length of stay in such facility exceeds 21 days, shall be screened to determine the individual's need for continued services.
  - i) Nursing facility conversion screening is the assessment of the appropriateness of in-home and community-based care for nursing facility residents age 60 and ~~or~~ over who have applied for and been found eligible for Medicaid assistance.

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- 1) Conversion screens shall be initiated by a referral from the Illinois Department of Public Aid.
- 2) Conversion screens shall be accomplished in accordance with deinstitutionalization (refer to Section 240.1960(g) of this Part).
- 3) Conversion screens shall include the option of CCP transitional services for those individuals who are appropriate for in-home and community-based services.

(Source: Amended at 23 Ill. Reg. 5842.03, effective MAY 1 1999)

## SUBPART N: CASE COORDINATION UNITS

## Section 240.1440 Training Requirements For Case Management Supervisors and Case Managers

Case Coordination Units (CCUs) in the performance of their Community Care Program (CCP) contract, shall adhere to the following training requirements immediately upon adoption of this Section regardless of whether a procurement has occurred pursuant to 89 Ill. Adm. Code 220.610 et seq.

- a) Case Management Supervisors
  - 1) Either prior to or within 60 ~~sixty~~ calendar days from the date of employment with the ~~Case Coordination Unit~~ CCU, each case management supervisor shall successfully complete:
    - A) Department sponsored ~~Community Care Program~~ CCP training on the Determination of Need (DON), eligibility determination, care planning, nursing home prescreening, and ~~IBMHRB OBRA-1 (Level I ID Screen)~~.
    - B) Successful completion of the above training shall be established by certification.
  - 2) Each case management supervisor shall meet the following in-service training requirements:
    - A) Recertification of CCP training within the ~~18 eighteen months from the month anniversary~~ anniversary month of each previous recertification (e.g., recertification in September, subsequent recertification no later than March of the second following year); and
    - B) Eighteen hours of documented in-service training on aging related subjects within each calendar year. For partial years of employment, training shall be prorated to equal 1.5 hours for each full month of employment. Documented participation in in-house staff training and/or local, state, regional or national conferences on aging related subjects, and the recertification required in subsection (a)(2)(A) above, will qualify as in-service training on an hour-for-hour basis.
- b) Case Managers



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- 1) Prior to performing CCP eligibility determinations and developing plans of care, each case manager and each supervisor acting as a case manager shall successfully complete:
  - A) Department sponsored CCP training on the DOM, eligibility determination, care planning, nursing home prescreening and ~~FMHBB~~ OBRA-1 (Level I ID Screen).
  - B) Successful completion of the above training shall be established by preliminary certification which shall expire six months from completion of training.
- 2) Each case manager and each supervisor acting as a case manager shall meet the following in-service training requirements:
  - A) ~~certification~~ recertification of CCP training within six months from the preliminary certification (e.g., preliminary training in January, full certification no later than July); and
  - B) recertification of CCP training within the 18 ~~eighteen~~ month anniversary of each previous certification (e.g., full certification in April, subsequent recertification no later than October of the second following year); and
  - C) eighteen hours of documented in-service training on aging related subjects within each calendar year. For partial years of employment, training shall be prorated to equal 1.5 hours for each full month of employment. Documented participation in in-house staff training and/or local, state, regional or national conferences on aging related subjects, in addition to the certification required in subsection (b)(2)(A) above, will qualify as in-service training on an hour-for-hour basis. ~~5 6 6 2 3 3~~

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective MAY 1 1999)

## SUBPART O: PROVIDERS

### Section 240.1535 Homemaker Staff Positions, Qualifications and Responsibilities

- a) Homemaker Supervisor
  - 1) Activities of a homemaker supervisor shall include:
    - A) documenting client contacts and activities related to client services in the client's file;
    - B) preparing or reviewing reports and service calendars;
    - C) monitoring receipt procedures in the conduct of essential shopping and errands as stated in the plan of care;
    - D) providing input to the case manager on the services that are needed for each client as a result of conferences with the homemaker or in-home visits;
    - E) planning, preparing, and documenting contact and quarterly

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- F) worker conferences with each assigned homemaker; evaluating each assigned homemaker annually;
  - G) coordinating the homemaker's activities with other components of the plan of care as required;
  - H) making and documenting semi-annual in-home supervisory visits for each assigned homemaker;
  - I) making home visits, as necessary, to provide hands-on training and assistance; and
  - J) initiating and/or participating in client staffing discussions with the case manager, as necessary.
- 2) Qualifications for a homemaker supervisor shall include:
    - A) a high school diploma or general education diploma; or
    - B) combination of skills and experience which indicate that the applicant has the ability to perform the supervisory activities.
  - 3) Homemaker supervisor shall meet the following training requirements:
    - A) Within 90 calendar days from the date of employment with the provider agency in a homemaker supervisor position, each supervisor shall complete Department sponsored Community Care Program (CCP) training on policy and procedures, billings, evaluations, worker and client files (homemaker supervisors who have received supervisor training prior to May 1, 1999 shall be exempt from this training); and
    - B) Within each calendar year, each supervisor shall complete 12 hours of documented in-service training on aging related subjects including documented participation in in-house staff training and/or local, state, regional or national conferences. For partial years of employment, training shall be prorated to equal 1.5 hours for each full month of employment.
- b) Homemaker Staff
    - 1) Activities of homemaker staff include the following:
      - A) following a client's written plan of care;
      - B) carrying out duties as assigned by the supervisor;
      - C) observing the client's functioning and reporting to the homemaker supervisor;
      - D) providing necessary receipts and documentation in the conduct of essential shopping/errands;
      - E) maintaining records of daily activities, observations, and direct hours of service; and
      - F) attending initial training, in-service training sessions and staff conferences.
    - 2) Qualifications of a homemaker shall include:
      - A) one of the following types of education or experience:
        - i) a high school diploma or general education diploma; or
        - ii) one ~~one~~ year of homemaker/chore-housekeeping direct service work experience in the CCP, in a comparable

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human service program, or for a dependent child or adult family member; or

- iii) demonstration of continued progress towards meeting the educational requirement of a general education diploma by current registration and evidence of successful completion of course work (successful completion means achievement of a grade of "C" or higher); or

- iv) service as a Community Care Program chore-housekeeping direct service worker prior to the effective date of this Section; and

- B) having a basic knowledge of home management skills; and  
C) in addition:

- i) new employees shall receive 15 hours of initial pre-service face-to-face training, excluding agency orientation, prior to assignment to provide services to a CCP client without a supervisor or trainer present (not to exceed a six month period from the start training to first assignment);
- ii) initial training may be exempt if a worker has had previous documented and supervised training within the past two years prior to this employment, equivalent to 15 hours for homemaker initial training or equivalent to 12 hours for chore-housekeeping initial training prior to the effective date of this Section, or has successfully completed RN, LPN, MD or CNA training in the past and has been employed in the field within the past two years; and
- iii) thereafter, a minimum of three hours per calendar quarter of face-to-face in-service training shall be mandatory for all workers. Initial training shall fulfill the first quarter in-service training requirement for new employees except when the initial training is exempt for previous documented and supervised training as described in subsection (b)(2)(C) and (ii) above. Training hours in excess of three hours may be carried forward to satisfy training requirements in the following quarter(s).

(Source: Amended 23 Ill. Reg. 662.32, effective MAY 1 1999)

## SUBPART P: PROVIDER PROCUREMENT

## Section 240.1610 Procurement Cycle for Provider Services

- a) The Department will solicit proposals for the provision of Community Care Program (CCP) services on a six 6 Fiscal Year cycle, beginning

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with contracts effective July 1, 1993.

- 1) To ensure all contracts are procured equitably, at least once every six 6 years each County/Sub-Area/Region within all 102 Illinois counties will be opened for free and open competition for contracts to provide CCP homemaker and adult day service care services.

- 2) An initial selection of at least one-third of the CCP contracts resulting from the Fiscal Year 1991 statewide solicitation shall be opened for competition by County/Sub-Area/Region, with contracts effective July 1, 1993. Thereafter, at least one-third of the CCP contracts, by County/Sub-Area/Region, shall be opened for solicitation and contract award every two 2 years unless the Department, for purposes of administration, finds it necessary to suspend the procurement cycle. Such suspensions shall be for a period of time not to exceed two State fiscal years from the scheduled date of procurement, and shall apply to emergency contracts executed under Section 240.1605 of this Part.

- 3) The Department shall offer a contract for a period of time not to exceed six 6 years unless extended due to suspension of the procurement cycle.

- 4) All areas except the City of Chicago and Suburban Cook County will be opened for solicitation by County.

- A) The City of Chicago and Suburban Cook County will be opened for solicitation by Sub-Area or Region: five 5 Sub-Areas in the City of Chicago and three 3 Regions in Cook County.

- B) No more than two 2 Sub-Areas and one 1 Region shall be randomly selected during any solicitation.

- C) Once a County/Sub-Area/Region has been randomly selected for solicitation in a scheduled procurement, that County/Sub-Area/Region cannot be randomly selected a second time during the six 6 year contract effective period, except as noted in Section 240.1605(c) of this Part.

- D) The Department reserves the right to a limited selection of additional Counties/Sub-Areas/Regions which may exceed the random selection for a scheduled two 2 year procurement cycle.

- b) Contracts--issued prior to June-30, 1993--shall terminate no later than June-30, 1997.

- b)c) If there is a change in the established fixed unit rate amount (refer to Subpart S of this Part), the Department shall exercise its 30 calendar day termination rights or mutual amendment right, in order to ensure implementation of the changed rate change.

(Source: Amended at 23 Ill. Reg. 662.32, effective MAY 1 1999)

Section 240.1650 Classification, Identification and Receipt of Provider Service Violations



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Failure(s) to comply with the contract, proposal and Department rules shall be identified and classified by the Department.

a) In determining the classification assigned to each provider service violation, the Department shall consider the following:

- 1) the severity of the violation;
- 2) the danger posed by the violation to the health, safety and welfare of the client, based upon degree of client impairment and availability of support sources;
- 3) the provider's efforts to correct violations;
- 4) the volume and scope of violation(s).

b) There are three classifications of violations: Type I, Type II, and Type III.

- 1) Type I provider service violations are client-centered violations which pose an imminent risk to the health, safety and welfare of the Community Care Program (CCP) client, and represent situations where failure to correct the violation could result in the client's potential hospitalization or nursing facility home placement. Type I violations shall receive priority attention, requiring immediate (within 24 hours) correction to remove the risk environment. Permanent correction must be achieved within 60 calendar days.

- 2) Type II provider service violations are client-centered violations which pose a potentially serious risk to the client. These violations are to be corrected within 60 calendar days.

- 3) Type III provider service violations are administrative violations which pose a very low risk to the client. The timeframe for correction of Type III violations shall be 60 calendar days or as established in an approved work plan.

c) Provider service violations include, but are not limited to, violation of the following Community Care Program rules:

- 1) adult day service care standard requirements, as specified in Section 240.1550 of this Part;
  - 2) adult day service care and in-home provider staffing requirements, as specified in Sections 240.1530 and 240.1555 of this Part;
  - 3) special services, as specified in Subpart J;
  - 4) provider administrative minimum standards and responsibilities, as specified in Sections 240.1510, 240.1520 and 240.2020 of this Part;
  - 5) service components, as specified in Sections 240.210, 240.230, 240.270 and 240.280 of this Part;
  - 6) adult day service care and in-home provider staff qualification and responsibilities, as specified in Sections 240.1535 and 240.1560 of this Part;
  - 7) service provision requirements, as specified in Section 240.915 of this Part.
- d) The Department will be in receipt of reported contract, proposal and rule violations through the following methods:

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1) Performance reviews of contracted provider agencies, as specified in Section 240.1660 of this Part;

2) Service complaints/violations, which are reported directly to the Department or to the Senior Helpline of the Department, or are referred to the Senior Helpline by the Department/Case Coordination Unit, service provider/other; and/or Reports from Department staff.

(Source: Amended at 23 Ill. Reg.

MAY 1 1999)

5 24 2 13, effective

### Section 240.1655 Method of Identification of Provider Service Violations (Repealed)

~~the Department will be in receipt of reported contract, proposal and rule violations through the following methods:~~

- a) ~~Compliance reviews of contracted provider agencies, as specified in Section 240.1660;~~
- b) ~~Service complaints/violations, which are reported directly to the Department or to the Senior Helpline of the Department, or are referred to the Senior Helpline by the Department/Case Coordination Unit/provider/other; and/or~~
- c) ~~Reports from Department staff.~~

(Source: Repealed at 23 Ill. Reg.

MAY 1 1999)

5 24 2 13, effective

### Section 240.1660 Provider Performance Compliance Reviews of Contracted Provider Agencies

a) Providers under contract to the Department must comply with Federal, State and local laws, regulations, Department rules and the contract requirements. When the provider signs the contract, this signature shall be the provider's certification that all applicable laws, rules and regulations, contract requirements and all statements included in the Provider Proposal, shall be complied with. The Department shall have the authority to conduct performance reviews any or all of the following compliance reviews of a contracted provider agency at any time during the course of the provider's contract period. Any findings and/or contract actions resulting from a performance compliance review may be appealed (refer to Section 240.1661 of this Part).

- a) ~~Provider Compliance Review~~
- b) ~~The Provider Performance Compliance Review consists of a sample of rules, of RFP requirements, and of cases which will be reviewed for performance compliance.~~
- 2) ~~The Provider Compliance Review shall consist of at least one on-site visit.~~

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c) If non-performance correctable-non-compliance findings result from the initial-on-site Provider Performance Compliance Review, the provider shall receive a written report of the findings and have a specified period of time for adherence to correct-the-non-compliance circumstances. The allowable time period shall be relevant to the classification of the violation and the applicable corrective action timeframes specified in Section 240.1650 of this Part.

d) If non-performance findings result from the follow-up review, the Department may impose one or more of the contract actions specified in Section 240.1665 of this Part.

b) Comprehensive-Compliance-Review

1) Upon-recommendation-of-staff-and-at-the-direction-of-the Director-the-Bureau-shall-conduct-a-Comprehensive-Compliance Review-which-is-a-review-of-all-relevant-Community-Care-Program rules-and-Provider-Proposals-to-determine-provider-compliance.

2) The-Comprehensive-Compliance-Review-shall-consist-of-an-on-site visit.

3) If-correctable-non-compliance-findings-exist-at-the-time-of-the Comprehensive-Compliance-Review-one-or-more-of-the-contract actions-specified-in-Section-240.1665-may-result.

4) If-correctable-non-compliance-findings-result-from-the Comprehensive-Compliance-Review-the-provider-shall-receive-a written-report-of-the-findings-and-have-a-specified-period-of time-to-correct-the-non-compliance-circumstances-the-allowable time-period-shall-be-relevant-to-the-classification-of-the violation-and-applicable-to-the-corrective-action-timeframes specified-in-Section-240.1650.

e) Special-Review

1) At-the-direction-of-the-Director-the-Department-shall-conduct-a Special-Review-which-is-a-targeted-review-of-specific-rules and/or-cases-to-determine-provider-compliance-Circumstances under-which-a-Special-Review-shall-be-conducted-include-but-are not-limited-to-the-following:

A) type-provider-service-violations-have-been-reported (refer-to-Section-240.1650);-and/or  
B) service-complaint(violations)-have-been-reported-(refer to-Section-240.1655);

2) The-Special-Review-shall-consist-of-an-on-site-visit.

3) If-non-compliance-findings-exist-at-the-conclusion-of-the-Special Review-or-more-of-the-contract-actions-specified-in-Section 240.1665-may-result.

d) Financial-Compliance-Review

1) The-Financial-Compliance-Review-consists-of-verifying documentation-that-supports-the-Provider-Request-for-Payment forms.

2) The-Financial-Compliance-Review-may-or-may-not-constitute-an on-site-visit.

3) If-insufficient-documentation-is-determined-through-the-Financial

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Compliance-Review-resulting-in-a-finding(s)-one-or-more-of-the contract-actions-specified-in-Section-240.1665-may-result.

(Source: Amended at 23 Ill. Reg. MAY 1 1999, effective 04-26-99)

Section 240.1661 Provider and Case Coordination Unit Right to Appeal

The provider and Case Coordination Unit (CCU) have has the right to appeal any finding and/or contract action (refer to Section 240.1665 of this Part) resulting from a performance compliance review (refer to Sections Section 240.1660 and 240.1720 of this Part).

a) Upon receipt of the Provider or CCU Performance Compliance Review report of non-performance non-compliance findings and the written notification of contract action(s) to be taken, a provider or CCU wanting to appeal must do so in such a manner that the appeal is received at the Department's Springfield Office on or before the 15th tenth work day from the date of the notice provider's receipt-of-the report-and-notification. If the appeal is not received before the close of business on the 15th tenth work day, the appeal shall be disregarded.

b) Appeals shall be submitted in the manner and form specified by the Department and shall be addressed, delivered or mailed to:  
Director  
Attention: General Counsel  
Illinois Department on Aging  
421 East Capitol Avenue, #100  
Springfield, Illinois 62701-1789

c) General Counsel, with appropriate Department staff, will review the appeal and make a recommendation to the Director for final decision.  
1) If the finding and/or contract action is determined by the Director to be valid, the finding/action shall be upheld/implemented.

2) If the finding and/or contract action is determined by the Director to be invalid, the appeal shall be upheld and the finding/action shall be modified or expunged, in whole or in part, with evidence placed in the provider or CCU provider's file.

d) The Director may determine that the circumstance(s) causing the contract action(s) warrant(s) a hearing which shall be conducted at the Illinois Department on Aging, 421 East Capitol, Springfield, Illinois.

1) The provider or CCU may bring appropriate representation and written appeal data to the hearing.

2) Appropriate Department staff shall will be in attendance at the hearing.

e) All hearings shall be conducted in accordance with Department hearing rules (89 Ill. Adm. Code 220.500 through 220.520).



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(Source: Amended at 23 Ill. Reg. 6942-23, effective MAY 1 1999.)

### Section 240.1665 Contract Actions for Failure to Comply with Community Care Program Requirements

The Department may impose one or more of the following contract actions upon any Community Care Program (CCP) contracted provider or contracted Case Coordination Unit (CCU) who fails to comply with Department rules or contract requirements, including any statements made on the Provider or CCU Proposal. Contract actions include:

- a) prohibition of specified staff from serving CCP clients (imposed when the Department finds that a worker, case manager, supervisor or other designated staff fails to comply with Department requirements as stated in Section 240.1530 through 240.1560);
- b) purchase of a limited financial compliance audit (imposed when the Department finds that a provider or CCU has failed to adhere to the fiscal requirements specified in Part 240);
- c) suspension of referrals for up to 90 days;
- d) transfer of all or a portion of the clients served under the contract;
- e) training of staff;
- f) termination of provider or CCU provider's contract and transfer of all clients;
- g) requiring a review by the provider or CCU of all or a specified subset of files and provider or CCU certification of corrective action;
- h) requiring the provider or CCU to contract with an outside management firm to evaluate program management and to implement recommendations for improvement as provided in the evaluation and negotiated with the Department;
- i) suspending all or a portion of CCP a--provider's payments for--CCP services provided until the action is corrected;
- j) deducting overpayments to provider or CCU from future Provider or CCU Requests for Payment or requiring the provider or CCU to reimburse the Department;
- k) refusing to accept a proposal(s) from a provider or CCU in one or more specified areas open for procurement; and/or
- l) taking any other action which the Director determines to be appropriate to the non-performance non-compliance circumstances.

(Source: Amended 1999 23 Ill. Reg. 6942-23, effective MAY 1 1999.)

## SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

### Section 240.1720 Case Coordination Unit Performance Compliance Review

- a) Each Case Coordination Unit (CCU) under contract to the Department must comply with the Request for Proposal, Federal, State and local

## DEPARTMENT ON AGING

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laws, regulations and Department rules, policies and procedures. When the CCU signs the contract, this signature shall be the CCU's certification that all applicable laws, rules and regulations will be complied with, as well as all statements included in the CCU Proposal except those contradicting applicable laws, rules and regulations.

- b) The Department shall have the authority to conduct a review Case Coordination Unit Compliance Review (CCUR) of a contracted CCU agency at any time during the course of the CCU's contract period for the purpose of protecting the health, safety and welfare of Community Care Program clients.
- c) The Department shall conduct a review CCUR in accordance with Department procedures established in subsection (d) below and pursuant to 89 Ill. Adm. Code 240.660. CCURs shall be conducted no less frequently than one review during each thirty-six month period. A CCUR will consist of two phases: an initial phase and a final phase.
  - 1) In the initial phase, CCURs will be provided a copy of the CCUR instrument prior to an on-site review.
    - A) A random sample of files based on caseload size will be selected, and
    - B) an on-site review performed.
  - 2) Following the on-site review, an initial findings confirmation letter and CCUR summary of findings will be issued to the CCUR. If a CCUR has been found to be in compliance, the CCUR will be concluded with the initial findings confirmation letter and the initial CCUR report.
  - 4) A non-compliant CCUR will have sixty calendar days from the date of receipt of the initial findings confirmation letter to achieve compliance.
  - 5) A non-compliant CCUR may request technical assistance from the Department within fifteen calendar days from the date of receipt of the initial findings confirmation letter.
  - 6) Following the conclusion of the sixty-calendar-day interval, the Department will conduct the final phase of the CCUR on-site.
    - A) The previously determined non-compliance findings and files will be re-examined.
    - B) In addition, a sample equal to the number of previously determined non-compliant files will be reviewed, where appropriate.
  - 7) Following the completion of the final phase on-site review, the CCUR will receive the final CCUR report. A copy of this report will be forwarded to the Area Agency on Aging.
- d) Review CCUR Reports shall be maintained by the Department and findings shall be acted upon as specified in 89 Ill. Adm. Code 240.670 and/or 89 Ill. Adm. Code 240.1665 of this Part.
- e) The Department shall have the authority to conduct reviews/audits of a contracted CCUR other than CCURs, at any time during the course of the CCUR's contracted period pursuant to a decision to perform such

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reviews/audits-by-the-Director-of-the-Department-

(Source: Amended at 23 Ill. Reg. 6048.23, effective MAY 1 1999)

## SUBPART R: ADVISORY COMMITTEE

## Section 240.1800 Community Care Program (CCP) Advisory Committee

- a) The Director shall appoint individuals to serve in an advisory capacity to the Department to identify present and potential issues, including rates of reimbursement for services provided under the Community Care Program (CCP) CCP, affecting the Community-Care-Program † CCP† service delivery network, and to recommend solution strategies.
- b) Representatives will be appointed with the following considerations:
  - 1) the agency's/applicant's experience (years) in the Community-Care Program† CCP†;
  - 2) geographic representation;
  - 3) equal in-home adult day service care and case coordination unit provider representation, as well as two 2 in-home care direct service staff and two 2 representatives of Area Agencies on Aging;
  - 4) at least two 2 non-provider representatives from policy/advocacy/other services/research organizations; and
  - 5) willingness to serve.
- c) Nominations may be presented from any agency or State state association with interest in the CCP.
- d) The Director, or designee, will serve as permanent Co-chair Co-chairs of the Community Care Program Advisory Committee (CCPAC) (CCP) † CCP† Advisory-Committee.
- e) The Director will designate Department staff to provide technical assistance and staff support to the Committee. Department representation will not constitute membership on the CCPAC Community Care-Program-(CCP)-advisory-Committee.
- f) Initial terms of appointment will be for either three 2 or four 3 years. Subsequent appointments will be for a single four 2 year term. At no time can a member serve more than one consecutive term in any capacity on the Committee.
- g) The Department will fill vacancies that have a remaining term of over one year, and this replacement will occur through the annual replacement of expiring terms.
- h) All papers, issues, reports and meeting memoranda will be advisory only. The Director, or designee, will make a written response/report, as requested, regarding issues before the CCPAC Community-Care-Program (CCP)-Advisory-Committee.
- i) The Director retains full decision making authority on the Community Care Program regarding any recommendations presented by the CCPAC Community-Care-Program-(CCP)-Advisory-Committee.

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(Source: Amended at 23 Ill. Reg. 6048.23, effective MAY 1 1999)



DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Day Care Information Line
- 2) Code of Citation: 89 Ill. Adm. Code 378
- 3) Section Numbers:

|        |                 |
|--------|-----------------|
| 378.10 | Adopted Action: |
| 378.20 | New             |
| 378.30 | New             |
- 4) Statutory Authority: The Child Care Act of 1969 [225 ILCS 10]
- 5) Effective Date of Rule: May 10, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 20, 1998 at 22 Ill. Reg. 19966
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Grammatical changes were made based on the suggestions of JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The purpose of this Part is to prescribe the standards for the statewide toll-free day care information line for licensed day care homes, group day care homes, day care centers and day care agencies.
- 15) Information and questions regarding these adopted rules shall be directed to:

Mr. Jerry B. Crabtree  
Office of Child and Family Policy  
Department of Children and Family Services  
406 E. Monroe, Station #65  
Springfield, Illinois 62703-1498

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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(217) 524-1983  
TDD: (217) 524-3715  
E-Mail: ORPINFO@pop.state.il.us

The full text of the Adopted Rule begins on the next page:

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES  
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
 SUBCHAPTER d: LICENSING ADMINISTRATION

## PART 378

## DAY CARE INFORMATION LINE

## Section

378.10 Purpose

378.20 Definitions

378.30 General Requirements and Operation of Day Care Information Line

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted at 23 Ill. Reg.

MAY 10 1999

effective

## Section 378.10 Purpose

The purpose of this Part is to prescribe the standards for the Statewide toll-free day care information line for licensed day care homes, group day care homes, day care centers and day care agencies.

## Section 378.20 Definitions

"Complaint" means any report to the Department alleging violation of the laws or rules related to the licensing of child care facilities.

"Day care agency" means any person, group of persons, public or private agency, association or organization which undertakes to provide one or more day care homes with administrative services including, but not limited to, consultation, technical assistance, training, supervision, evaluation and provision of or referral to health and social services under contractual arrangement. (Section 2.11 of the Child Care Act of 1969 [225 ILCS 10/2.11])

"Day care center" means any child care facility which regularly provides day care for less than 24 hours per day for more than 8 children in a family home or more than 3 children in a facility other than a family home, including senior citizen buildings. The term does not include:

- programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning which serve children who shall have attained the age of 3 years;

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- programs or that portion of the program which serves children who shall have attained the age of 3 years and which are recognized by the State Board of Education;
- educational program or programs serving children who shall have attained the age of 3 years and which are operated by a school which is registered with the State Board of Education and which is recognized or accredited by a recognized national or multi-state educational organization or association which regularly recognizes or accredits schools;
- programs which exclusively serve or that portion of the program which serves handicapped children who shall have attained the age of 3 years but are less than 21 years of age and which are registered and approved as meeting standards of the State Board of Education and applicable fire marshal standards;
- facilities operated in connection with a shopping center or service, religious services or other similar facility where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises and readily available;
- any type of day care center that is conducted on federal government premises;
- special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations;
- part day child care facilities, as defined in Section 2.10 of the Act; or
- programs or that portion of the program which:
  - serves children who shall have attained the age of 3 years,
  - is operated by churches or religious institutions as described in Section 501(c)(3) of the federal Internal Revenue Code,
  - receives no governmental aid,
  - is operated as a component of religious, nonprofit elementary school,
  - operates primarily to provide religious education, and
  - meets appropriate State or local health and fire safety standards.

For purposes of this Part, "children who shall have attained the age



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

*of 3 years" shall mean children who are 3 years of age, but less than 4 years of age, at the time of enrollment in the program.* (Section 2.09 of the Child Care Act of 1969 [225 ILCS 10/2.09])

"Day care facility" means a day care home, group day care home, day care agency or day care center subject to licensing by the Department of Children and Family Services.

"Day care home" means family homes which receive more than 3 up to a maximum of 12 children including the family's natural, foster, or adopted children and all other persons under the age of 12. The term does not include facilities which receive only children from a single household. (Section 2.18 of the Child Care Act of 1969 [225 ILCS 10/2.18])

"Department" means the Illinois Department of Children and Family Services. (Section 2.18 of the Child Care Act of 1969 [225 ILCS 10/2.18])

"Group day care home" means a family home which receives more than 3 up to 16 children for less than 24 hours per day. The number counted includes the family's natural, foster, or adopted children and all other persons under the age of 12. (Section 2.20 of the Child Care Act of 1969 [225 ILCS 10/2.20])

"License" means a document issued by the Department of Children and Family Services that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License capacity" means the maximum number of day care children under age 12 permitted in the facility at any one time.

"License violation" means a violation of the Department of Children and Family Services licensing standards that results in a corrective action plan or jeopardizes the health, safety and welfare of a child.

"Substantiated complaint" means a violation of Department of Children and Family Services licensing standards or the Child Care Act which has been substantiated through a licensing complaint investigation.

### Section 378.30 General Requirements and Operation of Day Care Information Line

#### a) Hours of Operation

The Department of Children and Family Services shall establish and maintain a Statewide toll-free number that will be staffed from 8:30 a.m. - 5:00 p.m., Monday through Friday, excluding holidays. The phone line shall be available to all individuals within the State of

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

Illinois to provide the history and record of licensed day care homes, group day care homes, day care agencies and day care centers.

#### b) Information to be Provided

1) Specific information provided by the day care information line on day care facilities closed prior to January 1, 1999 shall be:

- A) date the facility was initially licensed,
- B) expiration date of the current license,
- C) revocations, and
- D) surrenders.

2) Specific information provided by the day care information line on licensed day care facilities whose license is in effect on January 1, 1999 or which becomes licensed after January 1, 1999 shall be:

- A) date the facility was initially licensed,
- B) effective date of the current license,
- C) expiration date of the current license,
- D) license capacity,
- E) age range served,
- F) revocations,
- G) surrenders,
- H) licensing status (i.e., pending, conditional, etc.), and
- I) a list of substantiated complaints and Department staff findings of licensing violations for the preceding 12 months prior to the date of inquiry. Information on substantiated complaints and licensing violations that occurred prior to January 1, 1999 shall not be released through the day care information line. Such information is available through a Freedom of Information Act request.

#### c) Confidential Information

The following information shall not be released by the day care information line:

- 1) specific details on the substantiated complaints, licensing violations, revocations, or surrenders,
- 2) child abuse and neglect reports,
- 3) children's names,
- 4) parents' names,
- 5) employees' names and/or position,
- 6) information on any complaint investigation that is currently pending or has not been substantiated by a Department licensing investigation,
- 7) enforcement actions currently waiting resolution through the appeal process,
- 8) financial information, and
- 9) identity of the reporter of the complaint.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Research and Evaluation

2) Code Citation: 20 Ill. Adm. Code 106

| Section Numbers: | Adopted Action: |
|------------------|-----------------|
| 106.10           | Amend           |
| 106.12           | Add             |
| 106.15           | Add             |
| 106.20           | Amend           |

4) Statutory Authority: Implementing Sections 3-2-2 and 3-2-8 and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-2-8, and 3-7-1].

5) Effective Date of Amendments: May 1, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice(s) of Proposal Published in Illinois Register: September 11, 1998  
22 Ill. Reg. 16118

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version: Minor grammatical changes.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect?  
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking is necessary to update statutory citations, add definitions for clarity, provide for blanket designees, update language to include non-gender specific references, and clarify the guidelines for requesting research.

16) Information and questions regarding this amendment shall be directed to:

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

Patricia A. Lubben, Rules Coordinator  
Department of Corrections  
1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277  
217/522-2666, extension 6001

The full text of the adopted amendments begins on the next page:



## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT

## CHAPTER I: DEPARTMENT OF CORRECTIONS

## SUBCHAPTER a: ADMINISTRATION AND RULES

## PART 106

## RESEARCH AND EVALUATION

- Section  
 106.10 Applicability  
 106.11 Definitions  
 106.12 Responsibilities  
 106.15 Requirements for Submitting Research Proposals  
 106.20 Criteria for Approval or Denial of Research Proposals  
 106.30 Requirements for Conducting Research Projects

AUTHORITY: Implementing Sections 3-2-2 and 3-2-8 and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-2-8 and 3-7-1].

SOURCE: Adopted at 8 Ill. Reg. 14594, effective August 1, 1984; amended at 10 Ill. Reg. 12574, effective August 1, 1986; amended at 13 Ill. Reg. 19437, effective January 1, 1990, amended at 23 Ill. Reg. 5679, effective MAY 1 - 1999.

## Section 106.10 Applicability

This Part applies to all divisions and ~~bureaus~~ of the Department and to any person or entity seeking to conduct a research or evaluation study within the Department of Corrections.

(Source: Amended at 23 Ill. Reg. 5679, effective MAY 1 - 1999)

## Section 106.12 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

(Source: Added at 23 Ill. Reg. 5679, effective MAY 1 - 1999)

## Section 106.15 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Part to another

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

person or persons or designate another person or persons to perform the duties specified.

- b) No other individual may routinely perform duties whenever a Section in this Part specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Added at 23 Ill. Reg. 5679, effective MAY 1 - 1999)

## Section 106.20 Requirements for Submitting Research Proposals

- a) Any request to conduct research or an evaluation study involving former or present committed persons, ~~and/or~~ employees, programs, or facilities, whether originating inside or outside the Department of Corrections ~~(Department)~~, shall be in writing and shall be submitted to the Director ~~or his designee~~ for review and authorization.

b) The person or entity requesting the research or study shall provide the following written documentation prior to approval of the request:

- 1) A formal research proposal including name(s) and vitae of the researcher(s); abstract of the project, including purpose, methodology, duration, the number of subjects, amount of time required for each subject, and dissemination plan; testing or measurement instrument; and Department resources to be utilized;
- 2) Sources of funding, grants awarded, or descriptions detailing intentions to respond to official requests for proposals;

3) Approval obtained from a Human Subjects Research Committee, where applicable;

4) A signed Research Agreement which shall contain a statement that any rights of privacy, informed consent, confidentiality, and protection from harm are met in accordance with accepted professional and scientific ethics and that the requirements of any applicable Illinois and federal law or regulation have and will continue to be met; and

5) Any other information deemed necessary to the authorization process.

(Source: Amended at 23 Ill. Reg. 5679, effective MAY 1 - 1999)

## ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 5200
- 3) Section Numbers: Adopted Action:  
5200.10 Amendment
- 4) Statutory Authority: Implementing Section 4.01 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10] and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act [110 ILCS 1015/5.01].
- 5) Effective Date of Rules: April 30, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: This is a required rule in accordance with Section 5-15 of the Illinois Administrative Procedure Act and, therefore, has not been proposed.
- 10) Has JCAR issued a Statement of Objection to these proposed rulemaking?  
Not Applicable
- 11) Difference between proposal and final version: Not Applicable
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not Applicable
- 13) Will this amendment replace an emergency amendment currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of this Part: Section 5200.10 is being amended to incorporate the new address of the office of the Authority.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Thomas P. Conley  
Executive Director  
Illinois Educational Facilities Authority

## ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

120 South Riverside Plaza, Suite 1200  
Chicago, Illinois 60606  
(312) 876-6809

The full text of the Adopted Amendment is as follows:



## ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION  
 SUBTITLE F: EDUCATIONAL AGENCIES  
 CHAPTER IX: ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

## PART 5200

## PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

## SUBPART A: PUBLIC INFORMATION

Section  
 5200.10 Public Information and Submissions

## SUBPART B: RULEMAKING

Section  
 5200.100 Applicability of Rulemaking Rules  
 5200.110 Adoption, Amendment and Repeal of Rules  
 5200.120 Compliance with the Illinois Administrative Procedure Act

## SUBPART C: ORGANIZATION

Section  
 5200.200 Authority to Make Rules  
 5200.210 Applicability of General Rules  
 5200.220 Definitions  
 5200.230 Organization of the Authority  
 5200.240 Meetings of the Authority

## APPENDIX A By-Laws of the Illinois Educational Facilities Authority

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act [110 ILCS 1015/5.01].

SOURCE: Public Information and Submissions of the Illinois Educational Facilities Authority adopted July 8, 1971; codified at 8 Ill. Reg. 12890; amended at 8 Ill. Reg. 16294, effective August 23, 1984; amended at 9 Ill. Reg. 11816, effective July 23, 1985; amended at 10 Ill. Reg. 13649, effective August 4, 1986; amended at 13 Ill. Reg. 7902, effective May 15, 1989; amended at 19 Ill. Reg. 7335, effective May 23, 1995; amended at 23 Ill. Reg. ~~688~~ <sup>689</sup>, effective April 30, 1999.

## SUBPART A: PUBLIC INFORMATION

## Section 5200.10 Public Information and Submissions

The public may direct submissions and inquiries to the Authority and may obtain information concerning the Authority, its programs, and activities from the

## ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

## NOTICE OF ADOPTED AMENDMENT

office of the Authority, 120 South Riverside Plaza, Suite 1200, Chicago, Illinois 60606, (312) 876-6809] ~~333--West-Wacker-Drive--Suite-3500--Chicago--Illinois-60606-32187-4312-781-6633~~. Copies of the Authority's Rules and By-laws may be obtained from the office of the Authority upon request, in person or in writing, and upon payment of a reasonable fee for reproduction.

(Source: Amended at 23 Ill. Reg. ~~688~~ <sup>689</sup>, effective April 30, 1999)

ILLINOIS REGISTER  
STATE BOARD OF ELECTIONS  
NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Procurement
- 2) Code Citation: 44 Ill. Adm. Code 2600
- 3) Section Number: Adopted Action:  
2600.10 New
- 4) Statutory Authority: Implementing P.A.90-572 and authorized Section 1-30(a) of the Illinois Procurement Code [30 ILCS 500/1-30(a)] and by Section 1A-8(9) of the Election Code [10 ILCS 5/1A-8(9)]
- 5) Effective Date of Rule: May 3, 1999
- 6) Do these adopted rules contain an automatic repeal date? No
- 7) Do these adopted rules contain incorporations by reference? Yes
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date the Notice of proposed rules was published in the Illinois Register: November 30, 1998; 22 Illinois Register 20441
- 10) Has JCAR issued a statement of objection to these rules? No
- 11) Differences between proposed and final versions:
  1. Technical Changes suggested by the Joint Committee on Administrative Rules have been incorporated.
  2. In paragraph (a), provisions dealing with leasing procedures have been added.
  3. In paragraph (b), the Chief Procurement Officer for the State Board of Elections has been identified as the Director of Central Management Services, and the State Purchasing Officer for the State Board of Elections has been identified as the Chief Fiscal Officer of the State Board of Elections.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these rules replace an emergency rule currently in effect? No. An earlier emergency rule has expired.

ILLINOIS REGISTER  
STATE BOARD OF ELECTIONS  
NOTICE OF ADOPTED RULES

- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of these rules: The rule is required to bring the purchasing procedures of the State Board of Elections into conformity with P.A.90-572. By the adopted rule, the State Board of Elections has chosen to follow the rules promulgated by the Department of Central Management Services governing purchasing.
- 16) Information and questions regarding these adopted rules shall be directed to:

A. L. Zimmer, General Counsel  
State Board of Elections  
James R. Thompson Center  
100 W. Randolph Street, Suite 14-100  
Chicago, IL 60601  
312/814-6440

The full text of the Adopted Rules begins on the next page:



## ILLINOIS REGISTER

## STATE BOARD OF ELECTIONS

## NOTICE OF ADOPTED RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT  
AND PROPERTY MANAGEMENT

## CHAPTER 26: STATE BOARD OF ELECTIONS

PART 2600  
PROCUREMENTSection  
2600.10 Procurement

**AUTHORITY:** Implementing P.A. 90-572 and authorized by Section 1-30(a) of the Illinois Procurement Code [30 ILCS 500] and by Section 1A-8(9) of the Election Code [10 ILCS 5/1A-8(9)].

**SOURCE:** Adopted by emergency rule at 22 Ill. Reg. 20642, effective November 6, 1998, for a maximum of 150 days; emergency expired April 4, 1999; adopted at 23 Ill. Reg. 17084, effective MAY 3, 1999.

## Section 2600.10 Procurement

- a) The State Board of Elections adopts as its own such rules as may from time to time be promulgated at 44 Ill. Adm. Code 1 and 5000 by the Department of Central Management Services relating to procurement and to provisions for procurement contracts under the Illinois Procurement Code, excepting only any rule that is on its face inapplicable to the State Board of Elections or is contradicted by this Section.
- b) The Chief Procurement Officer of the State Board of Elections is the Director of Central Management Services. The Chief Fiscal Officer of the State Board of Elections is designated as the State Purchasing Officer with respect to purchases of goods and services by the State Board of Elections.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Health Maintenance Organization2) Code Citation: 50 Ill. Adm. Code 54213) Section Number: 5421.70  
Adopted Action: Amendment4) Statutory Authority: Implementing and authorized by Sections 4-17, 5-2 and 5-7 of the Health Maintenance Organizations Act [215 ILCS 125/4-17, 5-2 and 5-7].5) Effective Date of Amendment: May 3, 19996) Does this amendment contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? No8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Notice of Proposal Published in Illinois Register: January 15, 1999, 23 Ill. Reg. 62610) Has JCAR issued a Statement of Objections to this amendment? No11) Differences between proposal and final version: There are no differences between the final version of this amendment and the proposed version.12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes13) Will this amendment replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of rulemaking: These amendments are being done to provide consistency with both NAIC codification of statutory accounting principles and other state practices. Part 5421 is being amended to delete language in Section 5421.70 that allows an artificial floor for repayment of subordinated indebtedness. With the advent of risk-based capital, this language is not needed.16) Information and questions regarding this adopted amendment shall be directed to:

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

Jim Hanson  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
(217) 782-6284

The full text of the adopted amendment begins on the next page:

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER kkk: HEALTH SERVICE PLANS

PART 5421  
HEALTH MAINTENANCE ORGANIZATION

| Section  |   |
|----------|---|
| 5421.10  | Scope   |
| 5421.20  | Definitions   |
| 5421.30  | Valuation of Investments  |
| 5421.40  | Grievance Procedure   |
| 5421.50  | Contracts, Administrative Arrangements and Material Modifications                 |
| 5421.60  | Rates   |
| 5421.70  | Subordinated Indebtedness   |
| 5421.80  | Financial Reporting   |
| 5421.90  | Conflict of Interest and Required Disclosure                                      |
| 5421.100 | Solicitation  |
| 5421.110 | Requirements for Group Contracts, Evidences of Coverage and Individual Contracts  |
| 5421.111 | Cancellation  |
| 5421.112 | Form Filing Requirements  |
| 5421.113 | Point of Service Plan Requirements  |
| 5421.120 | Internal Security Standards and Fidelity Bonds                                    |
| 5421.130 | Basic Health Care Services  |
| 5421.131 | Basic Outpatient Preventive and Primary Health Care Services for Children         |
| 5421.140 | General Provisions  |
| 5421.141 | HMO Producer Licensing Requirements   |
| 5421.142 | Limited Insurance Representative Requirements - Public Aid and Medicare Enrollers |
| 5421.150 | Severability  |
| 5421.160 | Effective Date (Repealed)   |

AUTHORITY: Implementing and authorized by Sections 4-17, 5-2 and 5-7 of the Health Maintenance Organization Act [215 ILCS 125/4-17, 5-2 and 5-7].

SOURCE: Filed June 16, 1976, effective July 1, 1976; codified at 7 Ill. Reg. 3016; amended at 15 Ill. Reg. 199, effective December 28, 1990; amended at 20 Ill. Reg. 10639, effective July 25, 1996; recodified at 21 Ill. Reg. 1729; emergency amendment at 21 Ill. Reg. 15262, effective November 18, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 6671, effective March 31, 1998; amended at 23 Ill. Reg. 6030, effective MAY 3 - 1999.

## Section 5421.70 Subordinated Indebtedness

a) Subordinated-Indebtedness

1) --Subordinated indebtedness agreements (debenture) shall be submitted for the



## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

approval of the Director as required by Section 2-9 of the Act.

a) The agreement must state that:

1) ~~All payments the repayment of principal and/or the payment of interest may be made only after the HMO has obtained approval from the Director, and only if, after such payment, net worth is equal to or greater than net worth immediately after issuance of the subordinated indebtedness agreement.~~

2) ~~The obligation of the HMO under such debenture may not be offset or be subject to recoupment with respect to any liability or obligation owed to the HMO, and~~

3) ~~No agreement or interest securing such debentures, whether existing on the date of such debenture or subsequently entered into, applies to the obligation under such debenture.~~

b) The agreement shall bear interest either:

1) ~~At a fixed rate not exceeding the corporate base rate as reported by the largest bank (measured by assets) with its principal office located in Chicago, Illinois, in effect on the first business day of the month in which the subordinated indebtedness agreement is executed, plus 3% per annum, or~~  
 2) ~~At a variable rate equal to the corporate base rate determined on the first business day of each month during the term of the loan, plus 2% per annum.~~

c) In no event shall the variable interest rate for any month exceed the initial rate for the loan or advance by more than 10% per annum. The HMO shall elect at the time of execution of the agreement whether the interest rate is to be fixed or floating for the term of the agreement. The following shall be submitted for the Director's approval prior to execution of the subordinated indebtedness agreement:

1) ~~Duplicate copies of the entire subordinated indebtedness agreement.~~

2) ~~A certified copy of the resolution of the board of directors or the appropriate authoritative body of the HMO. This resolution shall stipulate the maximum amount of subordinated indebtedness authorized.~~

d) The Director shall be notified immediately in writing upon the execution of any such subordinated indebtedness agreement as to the amount thereof and to whom payable.

e) Accounting for the subordinated indebtedness on the HMO's financial statements shall be as follows:

1) All outstanding subordinated indebtedness and interest accrued thereon shall be reported separately in the Annual Statement on page 3 and in any other financial statements of the company as a special surplus account.

2) The issuance and repayment of the subordinated indebtedness, as well as the payment of the interest thereon, shall be reflected as direct debits or credits to the net worth of the HMO's financial statement.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

3) The interest expense incurred on the subordinated indebtedness during the current period shall be reflected on the Statement of Revenue, Expenses and Net Worth of the HMO's financial statements.

f) An HMO may only repay principal and make payment of interest on any subordinated indebtedness as provided under Section 2-9 of the Act. No payment shall be authorized by the Director unless:

1) The HMO's net worth is reasonable in relation to its outstanding liabilities and adequate for its financial needs, and

2) ~~Such payment will not reduce the HMO's net worth to an amount less than that stipulated in subsection (a)(1) above, and~~

2) Such payment is consistent with the terms of the subordinated indebtedness agreement approved pursuant to subsection (a) above.

(Source: Amended at 23 Ill. Reg.

MAY 3 - 1999)

600 effective

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Insurance Department Consumer Complaints2) Code Citation: 50 Ill. Adm. Code 9263) Section Number: Adopted Action:

926.10 Amendment

926.20 Amendment

926.30 Amendment

926.40 Amendment

926.50 Amendment

926.60 Repeal

926.70 Repeal

926.Exhibit A Amendment

926.Exhibit B Amendment

4) Statutory Authority: Implementing Sections 133, 149, 404(1)(a), 421 and 424 of the Illinois Insurance Code [215 ILCS 5/133, 149, 404(1)(a), 421 and 424] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].5) Effective Date of Amendment: May 3, 19996) Does this amendment contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department of Insurance's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: October 23, 1998, 22 Ill. Reg. 1917110) Has JCAR issued a Statement of Objections to this amendment? No11) Differences between proposal and final version:

a) The Department has changed all source note references from "22" to "23".

b) Section 926.50, strike "complaints received on or after January 1, 1977," and add "7 years after the complaint file has been closed" in lieu thereof.

c) Section 926.60, in the source note, change "Amended" to "Repealed".

d) Section 926.Exhibit B(A), strike "Company" on the first line.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

e) Section 926.Exhibit B(A), add "an" following "as" on the fourth line.

f) Section 926.Exhibit B(B)(3)(d), add a comma following "hurricane" on the first line.

g) Section 926.Exhibit B(B)(3)(d), strike the first "situations" on the second line.

h) Section 926.Exhibit B(D), add "Complaint" following "After" on the first line.i) Section 926.Exhibit B(D)(3), change "Information furnished" to "Information was furnished to complainant" on the first line.12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes13) Will this amendment replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of rulemaking: Following the adoption of these amendments, the Department will no longer allow consumer complaint files to be released under subpoena pursuant to Section 404(1)(a) of the Illinois Insurance Code [215 ILCS 5/404(1)(a)]. Language is being added to Section 926.40 that will also prohibit the release of consumer complaint files and all documents submitted with the consumer complaint or in response to the consumer complaint to third parties.16) Information and questions regarding this adopted amendment shall be directed to:

Denise Hamilton  
 Department of Insurance  
 320 West Washington  
 Springfield, Illinois 62767-0001  
 (217) 785-8560

The full text of the adopted amendment begins on the next page:



## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE  
CHAPTER 1: DEPARTMENT OF INSURANCE  
SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

## PART 926

## INSURANCE DEPARTMENT CONSUMER COMPLAINTS

|         |                                   |
|---------|-----------------------------------|
| Section | Authority                         |
| 926.10  | Scope                             |
| 926.20  | Purpose                           |
| 926.30  | Complaint Handling Procedure      |
| 926.40  | Maintenance of Complaint Records  |
| 926.50  | Severability Provision (Repealed) |
| 926.60  | Effective Date (Repealed)         |
| 926.70  | EXHIBIT A Complaint Record        |
|         | EXHIBIT B Explanation             |

AUTHORITY: Implementing Sections 133, 149, 404(1)(a), 421, and 424 of the Illinois Insurance Code [215 ILCS 5/133, 149, 404(1)(a), 421, and 424] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Filed December 2, 1976, effective January 1, 1977, codified at 7 Ill. Reg. 2361; amended at 23 Ill. Reg. 5697, effective MAY 3 - 1999.

## Section 926.10 Authority

This Part ~~Rule~~ is promulgated by the Director of Insurance pursuant to Section 401 of the Illinois Insurance Code [215 ILCS 5/401] ~~that--Rev--Stat--1981--ch--73--Section--1033~~ which empowers the Director "... to make reasonable rules and regulations as may be necessary for making effective ... the insurance laws of this State. The purpose of this Part ~~Rule~~ is to implement Sections 133, 149, 404(1)(a), 421 and 424 of the Illinois Insurance Code [215 ILCS 5/133, 149, 404(1)(a), 421 and 424] ~~that--Rev--Stat--1981--ch--73--pars--7457-7617-1030-and-1033~~.

(Source: Amended at 23 Ill. Reg. 5697, effective MAY 3 - 1999)

## Section 926.20 Scope

Part 926 shall apply to any insurance company ~~that--is~~ licensed to do business in this State--and which is transacting the kind or kinds of business described as Class 1, Class 2, or Class 3 in ~~of~~ Section 4 of the Illinois Insurance Code [215 ILCS 5/4]. ~~that--Rev--Stat--1981--ch--73--Section--6187~~ This Part also applies to any entity that the Director of Insurance licenses, registers or grants a Certificate of Authority ~~which received a--Certificate-of-Authority~~

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

~~from-the-Director-of-Insurance~~ under Chapter 215 ~~of~~ the Illinois Compiled Revised Statutes, and to any insurance producer ~~agent-or-broker~~ licensed under Article XXXI of the Illinois Insurance Code. Complaint files are deemed, by the Illinois Department of Insurance, to be confidential records and will not be released unless such person or organization is either the complainant and/or the party against whom the complaint has been filed ~~without--appropriate--legal documents-to-any-person-or-organization~~.

(Source: Amended at 23 Ill. Reg. 5697, effective MAY 3 - 1999)

## Section 926.30 Purpose

The purpose of this Part ~~Rule~~ is to establish guidelines for the handling of complaints received by the Department of Insurance against insurers, insurance producers or any other entity licensed, registered or granted a Certificate of Authority ~~or--agents--or--brokers~~ as described in Section 926.20 of this Part. This Part also sets forth ~~above-and--to--prescribed~~ minimum complaint record keeping requirements ~~maintenance~~. For purposes of this Part, ~~As-used-in-the~~ ~~Rule~~ the word "complaint" shall mean any written communication primarily expressing a grievance.

(Source: Amended at 23 Ill. Reg. 5697, effective MAY 3 - 1999)

## Section 926.40 Complaint Handling Procedure

## a) Notification and Response Requirements

When a complaint is received by the Department of Insurance against an insurer, insurance producer, or other entity identified in Section 926.20 of this Part ~~agent-or-broker~~ (respondent), the respondent shall be notified of the complaint. The Department will, in its notification, specify the date when a report is to be received from the respondent which in most instances will be 21 calendar days ~~three weeks~~ after notification is sent to the respondent. ~~A--failure--to reply--by--the--date--specified--may--be--followed--by--a--collect--telephone call--or--collect--telegram--~~

## b) Contents of Response or Report or Both

- 1) Each respondent shall supply adequate documentation which explains all actions taken or not taken and which were the basis for the complaint;
- 2) Documents necessary to support the respondent's position, or information requested by the Department, shall be furnished with the respondent's reply;
- 3) The respondent's ~~respondent's~~ reply shall be in duplicate, but duplicate copies of supporting documents are not required;
- 4) The respondent's reply shall include the name, telephone number and address of the individual assigned to the complaint; and

## DEPARTMENT OF INSURANCE

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~~This Rule in its entirety shall become effective on July 1, 1976--except--as specifically stated otherwise in Section 925.50 of this Part.~~

(Source: ~~Repealed~~ at 23 Ill. Reg. ~~FOG 3~~, effective ~~FOG 3~~)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

- 5) The Department will respect the confidentiality of medical reports and other documents which by law are confidential. Any other information furnished by a respondent shall be marked "confidential" if the respondent does not wish it to be released to the complainant ~~complainant~~; and
- 6) ~~The complaint and all documents submitted with the complaint or in response to the complaint are deemed confidential and will not be released to third parties.~~

## c) Follow-up or Conclusion

Upon receipt of the respondent's report, the Department of Insurance insurance analyst ~~investigating--deputy~~ will evaluate the material submitted and:

- 1) Advise the complainant of the action taken and disposition of the his complaint; or
- 2) Pursue further investigation with the respondent or complainant; or
- 3) Refer the ~~complaint file investigation-report~~ to the appropriate Division Branch within the Department of Insurance for further regulatory action.

(Source: Amended at 23 Ill. Reg. ~~FOG 3~~, effective ~~FOG 3~~)

## Section 926.50 Maintenance of Complaint Records

Insurance companies to which this Part Rule applies shall maintain records containing the minimum information as outlined in Exhibit A and as defined in Exhibit B of this Part Rule. The complaint record shall be kept on a calendar year basis and shall be maintained for 7 years after the complaint has been closed ~~complaints received on and after January 17, 1977, and shall apply to~~ complaints received from the Department, as well as those received directly from the consumer by the company.

(Source: Amended at 23 Ill. Reg. ~~FOG 3~~, effective ~~FOG 3~~)

## Section 926.60 Severability Provision (Repealed)

~~If--any--Section--or--portion--of--a--Section--of--this--Rule--or--the--applicability thereof--to--any--person--or--circumstance--is--held--invalid--by--a--court--the--remainder of--the--Rule--or--the--applicability--of--such--provision--or--circumstance--shall--not be--affected--thereby.~~

(Source: Repealed at 23 Ill. Reg. ~~FOG 3~~, effective ~~FOG 3~~)

## Section 926.70 Effective Date (Repealed)



## DEPARTMENT OF INSURANCE

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## Section 926. EXHIBIT A Complaint Record

## GRAPHIC MATERIAL

See printed copy of IAC for detail

effective

(Source: Amended at 23 Ill. Reg. 606.001-1)

MAY 3 - 1999

## DEPARTMENT OF INSURANCE

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## Section 926. EXHIBIT B Explanation

## Column

A. Company Identification Number. As noted, this refers to the identification number of complaint and shall also include the license number or other means of identifying any licensee of the Insurance Department (such as an insurance producer ~~agent~~~~---staff---adjuster---or independent-adjuster~~) that may have been involved in the complaint.

B. Function Code. Complaints are to be classified by function(s) of the company involved. Separate classifications are to be maintained for underwriting, marketing and sales, claims, policyholder service and miscellaneous.

Reason Code. Complaints are also to be classified by the nature of the complaint. The following is the classification required for each function specified above.

## 1. Underwriting

- a) Company underwriting
- b) Individual's application underwriting (this refers to any complaint where misrepresentations or declarations in the application for insurance resulted in company action involved in the complaint)

## c) Cancellation

## d) Rescission

## e) Non-renewal

## f) Premiums and rating

## g) Delays

## h) Refusal to insure

## i) Miscellaneous (not covered by above)

## j) Creditable coverage re: Health Insurance Portability and Accountability Act (HIPAA)

## k) Late enrollee (HIPAA)

## l) Special enrollment (HIPAA)

## m) Renewability (HIPAA)

## 2) Marketing and Sales

## a) General advertising

- b) Mass marketing advertising - (advertising which is essentially directed to reach more people than in a one to one relationship)

## c) Insurance producer Agent handling

## d) Replacement

## e) Dividend-illustration

## f) Delays

## g) Alleged misleading statement or misrepresentation

## h) Miscellaneous (not covered by above)

## 3) Claims

## a) Claims procedure

## b) Delays

## c) Unsatisfactory settlements

## DEPARTMENT OF INSURANCE

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- d) Natural disaster adjusting (hurricane, or flood situations or other situations situation which produce a large number of claims)
- e) Unsatisfactory settlement offers
- f) Denial of claim
- g) Miscellaneous (not covered by above)
- 4) Policyholder service
- a) Failure to respond
- b) Delays
- c) Return of premium
- d) Miscellaneous (not covered by above)
- e) Continuation - State or Federal
- 5) miscellaneous
- C. Line Type. Complaints are to be classified according to the line of insurance involved, as follows:

- 1) Automobile - Personal
- 2) Automobile - Commercial Fire
- 3) Homeowners - Farmowners - Mobile Homeowners - Dwelling
- 4) Commercial Property Group
- 5) Inland Marine
- 6) Individual Life
- 7) Group Life
- 8) Annuities
- 9) Individual Health - Accident & Sickness
- 10) Group Health - Accident & Sickness
- 11) HMO individual or group
- 12) LHSO

- 13) Workmen's Compensation
- 14) General/Professional liability liability liability-Insurance-other-than Automobile
- 15) Mobile-Homeowners

- D. Company Disposition After Complaint Receipt. The complaint record shall note the disposition of the complaint. The following examples are recommended, but are not intended to be required language nor to exhaust the possibilities. These examples are taken from the form used by the State of Illinois Department of Insurance.

- 1) Corrective action was taken
- a) Rate problem resolved
- b) Cancellation withdrawn
- c) Non-renewal Rescinded
- d) Policy restored (Life/A & H)
- e) Policy issued
- f) Premium refunded
- g) Additional monies paid (Claims)
- h) Coverage extended (Claims)
- i) Claim reopened

## DEPARTMENT OF INSURANCE

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- j) Claim settled
- k) Cash surrender paid
- l) Referral approved
- m) Provider changed
- 2) No action was deemed necessary
- a) Contract provisions
- b) Questions of fact
- c) Policy not in force
- d) Cancellation upheld
- e) Non-renewal upheld
- f) Return premium correct
- g) Insufficient information (from complainant)
- 3) Information was furnished to complainant Satisfactory-explanation

was given-to-the-complainant-

E. Date Received. This refers to the date the complaint was received.

F. Date Closed. This refers to the date on which the complaint was disposed of whether by one action or a series of actions as may be present in connection with some complaints.

G. Insurance Department Complaint. Complaints are to be classified so as to indicate if the origin of the complaint was from an insurance department.

H. State of Origin. The complaint record shall note the state from which the complaint originated. Ordinarily this will be the state of residence of the complainant.

(Source: Amended at 23 Ill. Reg. 609.133, effective MAY 3 - 1999)

## DEPARTMENT OF PROFESSIONAL REGULATION

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- 1) Heading of the Part: Acupuncture Practice Act
  - 2) Code Citation: 68 Ill. Adm. Code 1140
  - 3) Section Numbers:

|          |                        |
|----------|------------------------|
|          | <u>Adopted Action:</u> |
| 1140.10  | New Section            |
| 1140.20  | New Section            |
| 1140.30  | New Section            |
| 1140.50  | New Section            |
| 1140.60  | New Section            |
| 1140.100 | New Section            |
| 1140.110 | New Section            |
  - 4) Statutory Authority: Implementing the Acupuncture Practice Act [225 ILCS 2]
  - 5) Effective Date of Rules: April 30, 1999
  - 6) Does this rulemaking contain an automatic repeal date? No
  - 7) Do these Rules contain incorporations by reference? Yes
  - 8) A copy of the adopted rule, including material incorporated by reference, is on file in the agency's principal office and available for public inspection.
  - 9) Date Notice of Proposal Published in Illinois Register: December 11, 1998, at 22 Ill. Reg. 21293
  - 10) Has JCARE issued a Statement of Objections to these Rules? No
  - 11) Difference(s) between proposal and final version: In Section 1140.30, the 15 hours of continuing education in acupuncture within 2 years of application as a requirement for licensure has been removed.
  - 12) Have all the changes agreed upon by the Agency and JCARE been made as indicated in the agreement letter issued by JCARE? Yes
  - 13) Will these Adopted Rules replace Emergency Rules currently in effect? No
  - 14) Are there any Amendments pending on this Part? No
  - 15) Summary and Purpose of Rules: Public Act 89-706, effective January 31, 1997, provides for the licensure of acupuncturists by the Department of Professional Regulation. These rules will allow the Department to begin accepting and processing licensure applications.
- Section 1140.30 sets forth the requirements for applicants to obtain a

## DEPARTMENT OF PROFESSIONAL REGULATION

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license by examination. Also included in this Section are the requirements for individuals who have actively practiced acupuncture for 3 of the last 5 years and who apply by December 1, 1999, desiring to obtain a license without an examination.

These proposed rules tell how persons licensed or registered as acupuncturists in other jurisdictions may obtain licensure by endorsement in Illinois. They also describe how to renew or restore a license, how to place a license on inactive status and under what circumstances the Director of the Department may grant variances to these rules. Acts constituting unethical, unauthorized or unprofessional conduct have been set forth in Section 1140.100.

Fees for acupuncturist licensure, renewal and general processing fees are set forth in Section 1140.20.

- 16) Information and questions regarding this adopted Part shall be directed to:

Department of Professional Regulation  
 Attention: Jean Courtney  
 320 West Washington, 3rd Floor  
 Springfield, Illinois 62786  
 217/785-0813  
 Fax: 217/782-7645

The full text of the Adopted Rules begins on the next page:



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1140  
 ACUPUNCTURE PRACTICE ACT

| Section  | Definitions               |
|----------|---------------------------|
| 1140.10  | Fees                      |
| 1140.20  | Application for Licensure |
| 1140.30  | Endorsement               |
| 1140.50  | Renewals                  |
| 1140.60  | Unprofessional Conduct    |
| 1140.100 | Granting Variances        |
| 1140.110 |                           |

AUTHORITY: Implementing the Acupuncture Practice Act [225 ILCS 2] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: ~~Adopted 30 1999~~ 23 Ill. Reg. ~~5705.17~~ effective

## Section 1140.10 Definitions

"Act" means the Acupuncture Practice Act [225 ILCS 2].

"Acupuncturist" means a person who practices acupuncture and is licensed by the Department.

"Board" means the Board of Acupuncture.

"Department" means the Department of Professional Regulation.

"Evaluation in Acupuncture" means the use of Oriental diagnosis and therapeutic theories to determine the treatment plan.

## Section 1140.20 Fees

The following fees shall be paid to the Department and are not refundable:

- Application Fees. The fee for application for a license as an acupuncturist is \$500.
- Renewal Fees. The fee for the renewal of a license shall be calculated at the rate of \$250 per year.
- General Fees.
  - The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, not to

## DEPARTMENT OF PROFESSIONAL REGULATION

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exceed \$1,000.

- The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- The fee for the certification of a license for any purpose is \$20.
- The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.
- The fee for a roster of persons licensed as acupuncturists in this State shall be the actual cost of producing such a roster.

## Section 1140.30 Application for Licensure

a) An applicant for an acupuncture license shall apply on forms approved by the Department. The application license shall include:

- Either:
    - Proof of passage of the National Commission for the Certification of Acupuncturists (NCCA) or National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination or another examination that has been approved by the Department; or
    - Current certification from the National Certification Commission for Acupuncture and Oriental Medicine;
  - Proof of successful completion of the Clean Needle Technique (CNT) Course offered by the Council of Colleges of Acupuncture and Oriental Medicine;
  - A complete work history; and
  - The required fee specified in Section 1140.20 of this Part.
- b) In lieu of the requirements in subsection (a)(1) and (a)(2) above, an applicant may, prior to December 31, 1999, submit proof of active practice for at least 3 of the last 5 years and:
- Graduation from a formal full-time acupuncture program consisting of a minimum of 1,350 hours of entry level acupuncture education (including at least 500 hours of clinic). A copy of the transcript shall accompany the application; or
  - Completion of an apprenticeship, signed by the preceptor, of at least 4,000 contact hours in acupuncture techniques in a 3- to 6-year period. The preceptor must have had at least 5 years experience prior to the beginning of the apprenticeship, and his or her practice must include the use of acupuncture as a primary means of treatment with a minimum of 100 different patients and 500 patient visits per year during the apprenticeship. A copy of the preceptor's curriculum vitae shall accompany the application; or
  - Practice of acupuncture as a primary means of treatment for at

## DEPARTMENT OF PROFESSIONAL REGULATION

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least 5 additional years (a total of a minimum of 8 years) that includes the use of acupuncture in general practice with a minimum of 100 different patients and 500 patient visits per year. Five affidavits attesting to 5 years of practice from peers or colleagues shall accompany the application.

c) All documents shall be submitted to the Department in English.

d) If the applicant has ever been licensed in another jurisdiction, he/she shall also submit a certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and in which the applicant is currently licensed, stating:

1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

2) A description of the examination in that jurisdiction; and

3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

e) When the accuracy of any submitted documentation or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

1) Provide such information as may be necessary; and/or

2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

**Section 1140.50 Endorsement**

a) An applicant who is licensed/registered under the laws of another state or territory of the United States who wishes to be licensed in Illinois as an acupuncturist shall file an application with the Department, on forms provided by the Department, that includes:

1) Either:

A) Proof of passage of the National Commission for the Certification of Acupuncturists (NCCA) or National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination or another examination that has been approved by the Department;

B) Current certification from the National Certification Commission for Acupuncture and Oriental Medicine; or

C) Verification of meeting examination, education, apprenticeship or experience requirements as set forth in Section 1140.30 of this Part for individuals licensed in another jurisdiction prior to January 1, 2000;

2) Proof of successful completion of the Clean Needle Technique (CNT) Course offered by the Council of Colleges of Acupuncture and Oriental Medicine;

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3) Certification from the jurisdiction of original licensure and the jurisdiction in which the applicant is currently licensed and practicing, if other than original, stating the time during which the applicant was licensed in that state, whether the file on the applicant contains any disciplinary actions taken or pending, and the applicant's license number;

4) Complete work history; and

5) The required fee specified in Section 1140.20 of this Part.

b) The Department shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination of the Act or whether the applicant possesses individual qualifications that were substantially equivalent to the requirements of the Act.

c) The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

**Section 1140.60 Renewals**

a) The first renewal period for licensure under the Act shall be June 30, 2001. Thereafter, every license issued under the Act shall expire on June 30 of odd numbered years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.

b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

c) Practicing or offering to practice on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 110 of the Act.

**Section 1140.100 Unprofessional Conduct**

a) Pursuant to Section 110 of the Act, unethical, unauthorized, or unprofessional conduct in the practice of acupuncture shall include, but not be limited to:

1) procuring, attempting to procure or renewing a license by bribery, or by fraudulent misrepresentation;

2) Willfully making or filing a false report or record, willfully failing to file a report or record required by State or federal law, or willfully impeding or obstructing such filing or inducing another person to do so;

3) Circulating untruthful, fraudulent, deceptive or misleading advertising;

4) Willfully failing to report any violation of the Act or this Part;

## DEPARTMENT OF PROFESSIONAL REGULATION

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- 5) Willfully or repeatedly violating a lawful order of the Board or the Department previously entered in a disciplinary hearing;
- 6) Accepting and performing professional responsibilities that the licensee knows, or has reason to know, he/she is not competent to perform;
- 7) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience or licensure to perform them;
- 8) Gross or repeated malpractice or the failure to deliver acupuncture services with that level of care, skill and treatment that is recognized by a reasonably prudent acupuncturist with similar professional training as being acceptable under similar conditions and circumstances;
- 9) Dividing with anyone, other than physicians with whom the licensee receives referrals or another acupuncturist with whom the licensee works, any fee, commission, rebate or other form of compensation for any professional services not actually and personally rendered. Nothing contained in this subsection prohibits persons holding valid and current licenses under this Act from practicing in a partnership, limited liability partnership, limited liability company or a corporation under the Professional Corporation Act or from pooling, sharing, dividing or apportioning the fees and monies received by them or by the partnership or corporation.
- b) The Department hereby incorporates by reference the "Statement of Ethics and Professional Conduct" of the National Certification Commission for Acupuncture and Oriental Medicine, 11 Canal Center Plaza, Suite 300, Alexandria VA 22314, January 1999, with no later amendments or editions.

## Section 1140.110 Granting Variances

- a) The Director may grant variances from this Part in individual cases where he or she finds that:
  - 1) The provision from which the variance is granted is not statutorily mandated;
  - 2) No party will be injured by the granting of the variance; and
  - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of the variance, and the reasons therefor, at the next meeting of the Board.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Clinical Social Work and Social Work Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1470
- 3) Section Numbers:

|         |                 |
|---------|-----------------|
| 1470.10 | Adopted Action: |
| 1470.20 | Amendment       |
| 1470.60 | Amendment       |
| 1470.80 | Amendment       |
| 1470.90 | Amendment       |
| 1470.95 | Amendment       |
| 1470.96 | Amendment       |
| 1470.97 | New Section     |
- 4) Statutory Authority: Clinical Social Work and Social Work Practice Act (225 ILCS 20)
- 5) Effective Date of Amendments: April 30, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: October 23, 1998 at 22 Ill. Reg. 19203
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: In Section 1470.95, the limit on the amount of continuing education (CE) that can be obtained through self-study courses has been removed.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 90-0150 included the reauthorization of the Clinical Social Work and Social Work Practice Act; this rulemaking updates the rules to conform to that reauthorization. Section 1470.20 clarifies the supervision requirement while obtaining



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professional experience, while Section 1470.95 clarifies the process for obtaining approval for out-of-state CE. Section 1470.97 clarifies in what manner a licensed social worker can provide clinical social work services. Various other technical and clean-up changes are also included.

16) Information and questions regarding this amended Part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0813 Fax #: 217/782-7645

The full text of the adopted amendments begins on the next page:

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## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1470

## CLINICAL SOCIAL WORK AND SOCIAL WORK PRACTICE ACT

| Section  |   |
|----------|---|
| 1470.5   | Grandfather Provisions (Repealed)   |
| 1470.7   | Temporary License (Repealed)  |
| 1470.10  | Application for Licensure <u>Applications</u>                                 |
| 1470.20  | Professional Experience   |
| 1470.30  | Approved Colleges, Universities, and Graduate Schools of Social Work Programs |
| 1470.40  | Employer's Affidavit (Repealed)   |
| 1470.50  | Admission to Examination (Repealed)   |
| 1470.55  | Fees  |
| 1470.60  | Endorsement   |
| 1470.70  | Examinations  |
| 1470.80  | Restoration   |
| 1470.90  | Renewals  |
| 1470.95  | Continuing Education  |
| 1470.96  | Unethical, Unauthorized and Unprofessional Conduct                            |
| 1470.97  | <u>Independent Practice of Clinical Social Work</u>                           |
| 1470.100 | Granting Variances  |

**AUTHORITY:** Implementing the Clinical Social Work and Social Work Practice Act [225 ILCS 20] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

**SOURCE:** Rules for the Administration of the Social Workers Registration Act, effective November 18, 1971; amendment effective September 25, 1975; amended at 5 Ill. Reg. 946, effective January 15, 1981; codified at 5 Ill. Reg. 11067; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 9392, effective July 26, 1983; amended at 10 Ill. Reg. 19093, effective October 28, 1986; amended at 11 Ill. Reg. 9945, effective May 12, 1987; transferred from Chapter I, 68 Ill. Adm. Code 470 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1470 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2981; emergency amendments at 13 Ill. Reg. 5771, effective April 5, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 13867, effective August 22, 1989; amended at 16 Ill. Reg. 7009, effective April 16, 1992; amended at 18 Ill. Reg. 2370, effective January 28, 1994; amended at 20 Ill. Reg. 4323, effective February 28, 1996; amended at 22 Ill. Reg. 3875, effective February 5, 1998; amended at 23 Ill. Reg. 6142, effective APR 30 1999.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

**Section 1470.10 Application for Licensure Applications**

Each applicant seeking original licensure under Section 7 of the Act shall file an application, with the Department, on forms provided by the Department, ~~at least 90 days prior to an examination date.~~ The application shall include:

- a) for a Licensed Clinical Social Worker
  - 1) either:
    - A) certification of graduation from a master's degree program in social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of 3000 hours of satisfactory supervised clinical professional experience as set forth in Section 1470.20 of this Part; or
    - B) certification of graduation from a doctorate degree program in social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of 2000 hours of satisfactory supervised clinical professional experience as set forth in Section 1470.20 of this Part;
  - 2) proof of successful completion of the examination set forth in Section 1470.70 (The examination scores shall be submitted to the Department directly from the reporting entity.);
  - 3) a complete work history since receipt of master's or doctorate degree education; and
  - 4) the required fee set forth in Section 1470.55 of this Part ~~§317~~ **of the Act.**
- b) for a Licensed Social Worker
  - 1) either:
    - A) certification of graduation from a master's degree program of social work approved by the Department in accordance with Section 1470.30 of this Part; or
    - B) certification of graduation from a baccalaureate degree program of social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of 3 years of supervised professional experience in accordance with Section 1470.20 of this Part;
  - 2) proof of successful completion of the examination set forth in Section 1470.70 (The examination scores shall be submitted to the Department directly from the reporting entity.);
  - 3) a complete work history since baccalaureate or master's degree education; and
  - 4) the required fee set forth in Section 1470.55 of this Part ~~§317~~ **of the Act.**
- 5) Individuals applying for a Licensed Social Worker license who have successfully completed Part 2-Level B of the American Association of State Social Work Boards (AASSWB) examination subsequent to October 1986 shall not be required to retake the Part 2-Level B AASSWB

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examination to be eligible for licensure. ~~Those individuals shall file an application for examination along with their examination grades, which shall be forwarded to the Department directly from the testing service.~~

- c) Persons who were registered and in good standing as of December 31, 1989, under the Social Workers Registration Act, who do not hold a degree in social work, and who are applying to take Part 2-Level B AASSWB examination, shall complete the application along with the work history form since baccalaureate degree education. These persons shall be required to take and pass Part 2-Level B of the AASSWB examination before a social worker license will be issued.

(Source: Amended at 23 Ill. Reg. ~~6712~~ **6712**, effective **APR 30 1999**)

**Section 1470.20 Professional Experience**

- a) Persons applying for licensure as a Licensed Clinical Social Worker shall be required to complete supervised professional experience pursuant to Section 9 of the Act and this Part, ~~as follows:~~

- 1) Persons persons holding a master's degree in social work shall have completed 3000 hours of satisfactory, supervised clinical professional experience subsequent to the receipt of the degree;
- 2) Persons persons holding a doctorate degree in social work shall have completed 2000 hours of satisfactory, supervised clinical professional experience subsequent to the receipt of the degree;
- 3) The required the-specified number of hours may have been obtained in the following manner increments:
  - A) for full-time experience a minimum of 30 hours per week but not more than 40 hours per week.
  - B) for part-time experience a minimum of 15 hours per week but not more than 29 hours per week.
- 4) Supervised experience shall be experience directly related to clinical social work practice as defined in Section 3(5) of the Act:
  - A) The supervisor shall have met with the applicant at least one hour each week to discuss client cases and treatment procedures.
  - B) Until December 31, 1994, the supervisor shall have been a certified social worker registered under the Social Workers Registration Act with clinical experience, a licensed clinical social worker, a diplomate in clinical social work, a designated member of the Academy of Certified Social Workers (ACSW), a Board certified psychiatrist, a licensed clinical psychologist, a supervisor from another state who is a clinical professional credential at the highest level required by that state or other appropriate clinical supervisor as approved by the Social Work Examining and

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Disciplinary Board (the "Board"). In determining other appropriate supervisor, the Board shall consider, but not be limited to, the following: unavailability of a person licensed under the Act, the setting in which the supervision took place, and the credentials and job responsibilities of the supervisor.

- C) After January 1, 1995, only experience supervised by a licensed clinical social worker will be acceptable to meet the professional experience requirement. If supervision was in another jurisdiction in which clinical social workers are not licensed, the supervisor shall have been engaged in clinical social work and be credentialed at the highest level required by that jurisdiction state.
- D) The experience shall have been evaluated by the supervisor as satisfactory.
- E) An applicant may contract with a licensed clinical social worker to provide supervision.
- F) Supervision may be provided within an agency of employment or outside the agency.
- G) Supervision may be paid or unpaid.
- H) Supervision may be on an individual or group basis. When group supervision is provided the number of supervisees may not exceed five.

- b) Persons applying as a for Licensed Social Worker who have a baccalaureate degree in social work shall complete three-(3) years of supervised professional experience subsequent to obtaining the baccalaureate degree. For purposes of this subsection, supervised professional experience is that experience directly related to social work as defined in Section 3(9) of the Act. The experience shall be:
- 1) obtained under the direct supervision of a certified social worker registered under the Social Workers Registration Act, licensed clinical social worker, licensed social worker, diplomate in clinical social work, designated member of ACSW or other appropriate supervisor as approved by the Board.
  - 2) satisfactory as evaluated by the supervisor. The supervisor shall have met with the individual at least one hour each week.

(Source: APR 30 1999 at 23 Ill. Reg. 5712, effective

## Section 1470.60 Endorsement

Each applicant seeking licensure under Section 15 of the Act shall file an application, with the Department, on forms provided by the Department. The application shall include:

- a) for a Licensed Clinical Social Worker
- 1) either:
    - A) certification of graduation from a master's degree program

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in social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of 3000 hours of satisfactory supervised clinical professional experience subsequent to receipt of degree as set forth in Section 1470.20 of this Part; or

B) certification of graduation from a doctorate degree program in social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of 2000 hours of satisfactory supervised clinical professional experience subsequent to receipt of degree as set forth in Section 1470.20 of this Part;

- 2) a complete work history since receipt of master's or doctorate degree education;
- 3) successful completion of the AASSWB examination set forth in Section 1470.70 of this Part;
- 4) a copy of the Act and rules in effect at the time of original licensure; and
- 5) the required fee set forth in Section 1470.55 of this Part ~~of the Act.~~

- b) for a licensed Social Worker

- 1) either:
  - A) certification of graduation from a master's degree program of social work approved by the Department in accordance with Section 1470.30 of this Part; or

B) certification of graduation from a baccalaureate degree program of social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of three (3) years of supervised professional experience subsequent to receipt of degree in accordance with Section 1470.20 of this Part;

- 2) a complete work history since receipt of baccalaureate or master's degree education;
- 3) successful completion of the AASSWB examination set forth in Section 1470.70 of this Part;
- 4) a copy of the Act and rules in effect at the time of original licensure; and
- 5) the required fee set forth in Section 1470.55 of this Part ~~of the Act.~~

- c) The Department, upon recommendation of the Board, shall issue a license if a review of the application indicates that the application meets the requirements.

(Source: APR 30 1999 at 23 Ill. Reg. 5712, effective

## Section 1470.80 Restoration

- a) A licensee seeking restoration of a his license (Licensed Clinical



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Social Worker or Licensed Social Worker) which has been on inactive status for 5 years or less ~~than 5 years~~ shall have the ~~his~~ license restored by making application to the Department and by paying the current renewal fee set forth in Section 1470.55 of this Part ~~13-3~~ ~~of the Act~~. A After-November-30-1993, a licensee seeking restoration of the Act. A licensee shall be required to submit proof of 30 hours of continuing education in accordance with Section 1470.95. These CE hours shall be earned within the 2 years immediately preceding the restoration of the license.

b) A licensee seeking restoration of a ~~his~~ license (Licensed Clinical Social Worker or Licensed Social Worker) which has been expired for ~~less than 5 years or less~~ shall have the ~~his~~ license restored by making application to the Department and paying \$20 plus all lapsed renewal fees pursuant to Section 1470.55 of this Part ~~13-of-the-Act~~. A After-November-30-1993, a licensee seeking restoration of a license shall be required to submit proof of 30 hours of continuing education in accordance with Section 1470.95. These CE hours shall be earned within the 2 years immediately preceding the restoration of the license.

c) A licensee seeking restoration of a ~~his~~ license (Licensed Clinical Social Worker or Licensed Social Worker) after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with:

1) Either:

A) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of the ~~said~~ active practice; or

B) 2) An affidavit attesting to military service as provided in Section 11 of the Act. If application is made within two years after of discharge and if all other provisions of Section 11 of the Act are satisfied, the licensee will not be required to pay a restoration fee or any lapsed renewal fees; or

C) 3) Proof of passage of the examination described in Section 1470.70 of this Part within the twelve months preceding application; and

2) 4) The required fees pursuant to Section 1470.55 of this Part 13-of-the-Act.

d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee seeking restoration of his/her license (Licensed Clinical Social Worker or Licensed Social Worker) will be required to:

1) provide such information as may be necessary; and/or

2) appear for an interview before the Board to explain such

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relevance or sufficiency, clarify information given or clear up any discrepancies in information.

(Source: Amended at 23 Ill. Reg. 5-12-93 effective APR 30 1999.)

## Section 1470.90 Renewals

a) Every license issued under the Act shall expire on November 30 of each odd numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee set forth in Section 1470.55 of this Part ~~13-3~~ ~~of the Act~~ and complying with the continuing education requirements set forth in Section 1470.95 of this Part.

b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended 1993 23 Ill. Reg. 5-12-93 effective APR 30 1999.)

## Section 1470.95 Continuing Education

a) Continuing Education Hours Requirements

1) Every Beginning--with the November-30-1993--license-renewal-and every-renewal--thereafter--every licensee who applies for renewal of a license as a social worker or clinical social worker shall complete 30 hours of continuing education (CE) relevant to the practice of social work or clinical social work.

2) A prerenewal period is the 24 months preceding November 30 of each odd-numbered year.

3) CE requirements shall be the same for licensed social workers and licensed clinical social workers.

4) One CE hour shall equal one clock hour.

5) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.

6) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.

7) Social workers or clinical social workers licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.

b) Approved Continuing Education (CE)

1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course ("program") that is offered

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or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below, except for those activities provided in subsections (b)(2), (3) and (4) below.

2) CE credit also may be earned for completion of a self-study course that is offered by an approved sponsor who meets the requirements set forth in subsection (c) below. Each self-study course shall include an examination.

3) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of social work related courses that are a part of the curriculum of a college, university or graduate school of social work.

4) CE credit may be earned for verified teaching in a college, university or graduate school of social work approved in accordance with Section 1470.30 and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program).

5) CE credit may be earned for authoring papers, publications or books and for preparing presentations and exhibits. The preparation of each published paper, book chapter or audio-visual presentation dealing with social work or clinical social work may be claimed as 5 hours of credit. A presentation must be before a professional audience of social workers, clinical social workers, psychologists or professional counselors. Five credit hours may be claimed for only the first time the information is published or presented.

## c) Approved CE Sponsors and Programs

1) Sponsor, as used in this Section, shall mean a person, firm, association, corporation or any other group that has been approved and authorized by the Department upon recommendation of the Board to coordinate and present continuing education courses or programs.

2) Entities seeking approval as CE sponsors shall file an application, on forms supplied by the Department, along with the \$500 application fee specified in Section 1470.55 of this Part. ~~(State--agencies--State--colleges--and--State--universities--in Illinois--shall-be-exempt-from-paying-this-fee--)~~ The applicant shall certify on the application the following:

A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3) and all other criteria in this Section. A sponsor shall be required to submit a CE program with course materials for review prior to being approved as a CE sponsor;

B) That the sponsor will be responsible for verifying attendance at each program and provide a certificate of

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attendance as set forth in subsection (c)(9):

C) That upon request by the Department, the sponsor will submit evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.

## 3) All programs shall:

A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of social work or clinical social work;

B) Foster the enhancement of general or specialized social work or clinical social work practice and values;

C) Be developed and presented by persons with education and/or experience in the subject matter of the program;

D) Specify the course objectives, course content and teaching methods to be used; and

E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.

4) Each CE program shall provide a mechanism for evaluation of the program by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.

5) An approved sponsor may subcontract with individuals and organizations to provide approved programs.

6) All programs given by approved sponsors shall be open to all licensed social workers and licensed clinical social workers and not be limited to members of a single organization or group.

7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.

8) To maintain approval as a sponsor, each shall submit to the Department by November 30 of each odd-numbered year a renewal application, the renewal fee specified in Section 1470.55 of this Part \$-900-fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.

9) ~~Certification-of-Attendance-~~ It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:

A) The name, address and license number of the sponsor;

B) The name and address of the participant;

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- C) A brief statement of the subject matter;
- D) The number of hours attended in each program;
- E) The date and place of the program; and
- F) The signature of the sponsor.
- 10) The sponsor shall maintain attendance records for not less than 5 years.
- 11) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
- 12) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with this Section.
- 13) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.
  - 2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
  - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Continuing Education Earned in Other Jurisdictions-
- 1) If a licensee has earned CE hours offered in another state or territory not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an out of state continuing education individual-program approval request form, along with a \$25 processing fee, prior to participation in the program or at least within 90 days prior to after-completion-of-the-CE-program-and prior-to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section. Applicants may seek individual-program-approval-prior-to-the

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- ~~participation-in-the-program-~~
- 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval form with the \$25 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 1470.55 of this Part ~~1344~~ and ~~(5) of the Act.~~
- g) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 1470.55 of this Part ~~1343~~ of ~~the Act~~, a statement setting forth the facts concerning non-compliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
  - 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
    - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
    - B) An incapacitating illness documented by a statement from a currently licensed physician;
    - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
    - D) Any other similar extenuating circumstances.
  - 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Amended at 23 Ill. Reg. effective  
APR 30 1999)

## Section 1470.96 Unethical, Unauthorized and Unprofessional Conduct

- a) The Department may suspend or revoke a license, refuse to issue or



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renew a license or take other disciplinary action based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 19 of the Act, which is interpreted to include, but is not limited to, the following acts or practices:

- 1) Practicing or offering to practice beyond one's competency (for example, providing services and techniques for which one is not qualified by education, training and experience);
- 2) Revealing facts, data or information relating to a client or examinee, except as allowed under Section 16 of the Act or under the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110]. The release of information "with the consent of the client" as provided for in Section 16 of the Act is interpreted to mean that the social worker, prior to the release of the information, obtained written consent and made certain that the client understood the possible uses or distributions of the information. Case history material may be used for teaching or research purposes or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the client(s) or examinee(s) involved;
- 3) Making gross or deliberate misrepresentations or misleading claims as to his/her professional qualifications or of the efficacy or value of his/her treatments or remedies, or those of another practitioner;
- 4) Failing to inform prospective research subjects or their authorized representative fully of potential serious after effects of the research or failing to remove the after effects as soon as the design of the research permits;
- 5) Refusing to divulge to the Department techniques or procedures used in his/her professional activities upon request;
- 6) Directly or indirectly giving to or receiving from any person, firm or corporation any fee, commission, rebate or other form of compensation for any professional services not actually rendered. Social workers shall not participate in illegal fee-splitting arrangements, nor shall they give or accept kickbacks for referrals. However, it is not unethical for social workers to utilize referral services for which a fee is charged, nor to participate in contractual arrangements under which they agree to discount fees;
- 7) Impersonating another person holding a clinical social work or social work license or allowing another person to use his/her license;
- 8) The commission of any dishonest, corrupt or fraudulent act that is substantially related to the functions or duties of a social worker providing services or supervising services;
- 9) The commission of any act of sexual misconduct, sexual abuse or sexual relations with one's client, patient, student supervisee or with an ex-client within 24 months after termination of treatment;

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- 10) Entering a treatment relationship in which professional judgment may be compromised by prior association with or knowledge of a client;
  - 11) Permitting an intern or trainee under the social worker's supervision to perform, or to pretend to be competent to perform, professional services beyond the trainee's or intern's level of training. Disclosure of the intern's status and the name of the supervisor is required;
  - 12) Submission of fraudulent claims for services to any person or entity including, but not limited to, health insurance companies or health service plans or third party payors;
  - 13) Failing to disclose conflicts of interests, dual relationships between social worker and clients, and/or obligations associated with service that might affect the client's decision to enter into or continue the relationship;
  - 14) Discriminating based on race, gender, religion, national origin, political affiliation, social or economic status, choice of lifestyle or sexual orientation;
  - 15) Knowingly providing services to a client when the social worker's objectivity or effectiveness is impaired. A social worker who becomes impaired and unable to function according to the standards of practice may be subject to disciplinary action if an active practice continues. Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems;
  - 16) Failing to insure that all records and written data are stored using security measures that prevent access to records by unauthorized persons. Social workers are responsible for insuring that the content and disposition of all records are in compliance with all relevant State laws and rules.
- b) The Department hereby incorporates by reference:
- 1) the "Code of Ethics of the National Association of Social Workers", National Association of Social Workers, 750 First Street NE, Suite 700, Washington, D.C. 20002-4241, 1993, with no later amendments or editions;
  - 2) the "Code of Ethics", National Federation--of--Societies--for Clinical Social Work Federation, P.O. Box 3740, Arlington, Virginia 22203, May 1988, with no later amendments or editions.

(Source: APR 30 1999 23 Ill. Reg. 5726 effective 5/1/99)

## Section 1470.97 Independent Practice of Clinical Social Work

- a) Licensed social workers may not engage in the independent practice of clinical social work without a clinical social worker license. Independent practice of clinical social work means providing the services of or engaging in the practice of clinical social work, as

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defined in Section 3(5) of the Act, by an individual who regulates and is responsible for her or his own practice or treatment procedures.

b) Licensed Social Workers may provide clinical social work services as set forth in Section 3(5). When engaging in or providing clinical social work services as set forth in Section 3(5), an LSW may only do so under the order, control, and full professional responsibility of a licensed clinical social worker, a licensed clinical psychologist, or a psychiatrist, as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code and shall not regulate or be responsible for his/her own practice or treatment procedures.

c) When providing clinical social work services as set forth in Section 3(5) of the Act (in the independent practice of clinical social work), a licensed social worker shall always operate and represent himself/herself as an employee of the independent practice and may not work as an independent contractor as defined by Internal Revenue Service regulations.

d) An LSW shall not, without a license as a clinical social worker issued by the Department:

- 1) in any manner hold himself or herself out to the public as a clinical social worker or licensed clinical social worker under the Act;
- 2) use the title "clinical social worker" or "licensed clinical social worker"; or
- 3) offer to render to individuals, corporations, or the public clinical social work services if the words "licensed clinical social worker" or "clinical social work" are used to describe the person offering to render or rendering the services or to describe the services rendered or offered to be rendered. (Section 10 of the Act)

(Source: Add APR 30 1999 23 Ill. Reg. 8-712-2, effective

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1) Heading of the Part: Nursing Home Administrators Licensing and Disciplinary Act

2) Code Citation: 68 Ill. Adm. Code 1310

3) Section Numbers: Adopted Action:  
 1310.20 Amendment  
 1310.30 Amendment  
 1310.40 Amendment  
 1310.50 Amendment  
 1310.70 Amendment  
 1310.80 Amendment  
 1310.85 Amendment  
 1310.100 New Section

4) Statutory Authority: Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]

5) Effective Date of Amendments: April 30, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) A copy of the adopted amendments is on file in the agency's principal office and available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: December 4, 1998, at 22 Ill. Reg. 20739

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version: In Section 1310.20, an individual may be issued only one temporary license. Various other technical corrections were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: Public Act 90-0061, effective December 30, 1997, included the reauthorization of the Nursing Home Administrators Licensing and Disciplinary Act. This rulemaking updates the rules to conform with the Act. It clarifies various aspects of continuing

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education and changes fee references to reflect that the fees under this Act are now set by rule. Section 1310.100 adds Professional Conduct Standards.

16) Information and questions regarding this amended Part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0813  
Fax #: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1310

NURSING HOME ADMINISTRATORS LICENSING  
AND DISCIPLINARY ACT

## Section

1310.10 Statutory Authority (Repealed)  
1310.20 Temporary License  
1310.30 Application for Examination  
1310.40 Approved Nursing Home Administration Courses  
1310.50 Qualifying Experience  
1310.60 Examination  
1310.65 Fees  
1310.70 Endorsement  
1310.75 Renewals  
1310.80 Restoration  
1310.85 Continuing Education  
1310.90 Granting Variances  
1310.100 Professional Conduct Standards

AUTHORITY: Implementing the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 5 Ill. Reg. 1500, effective February 1, 1981; codified at 5 Ill. Reg. 11045; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 9 Ill. Reg. 5364, effective April 8, 1985; amended at 10 Ill. Reg. 16715, effective September 22, 1986; transferred from Chapter I, 68 Ill. Adm. Code 310 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1310 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2955; amended at 13 Ill. Reg. 15653, effective September 25, 1989; amended at 16 Ill. Reg. 12565, effective July 27, 1992; amended at 17 Ill. Reg. 17220, effective September 27, 1993; amended at 22 Ill. Reg. 3887, effective February 5, 1998; amended at 23 Ill. Reg. 1728, effective APR 30 1999.

## Section 1310.20 Temporary License

a) An applicant for a temporary license shall file an application on forms supplied by the Department, together with:

- 1) A statement of sound physical and mental health, dated within one year preceding application, signed by a currently licensed physician (nothing in this subsection shall require a physical or mental examination for any applicant who is a member of a



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*recognized church or religious denomination which teaches reliance on spiritual means alone for healing)* (the ~~the~~ Nursing Home Administrators Licensing and Disciplinary Act (the Act) [225 ILCS 701] ~~1111-Rev--Stat--1991--ch--111--par--3653~~);

2) Certification of graduation from high school or proof of a general education diploma (GED);

3) Certified education/experience records of any one of the following:

- A) Graduation from an accredited college or university with the minimum of a Baccalaureate Degree;
- B) Completion of an approved course of instruction in nursing home administration as outlined in Section 1310.40;
- C) Graduation from a three year diploma nurse program and an Employer's Affidavit certifying to two years of qualifying experience as described in Section 1310.50; or
- D) An associate degree or a minimum of 60 semester hours or 90 quarter hours of credit earned from an accredited college or university and an Employer's Affidavit certifying to two years of qualifying experience as described in Section 1310.50;

4) Certification, for those applying pursuant to Section 3(3) of the Act, that the applicant is certified by a recognized church or religious denomination which teaches reliance on spiritual healing, as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teaching. Such applicant will be issued a Limited Temporary Nursing Home Administrator License which will allow the individual to be an administrator in an institution of the certifying church or denomination;

5) An employer's statement of the acceptance or appointment of the applicant as a full-time nursing home administrator in a facility licensed to provide nursing care by the Illinois Department of Public Health, which includes the expected beginning date of the applicant's employment as an administrator. For purposes of this Section, "full-time" shall mean working at least as many hours as the Illinois Department of Public Health requires of nursing home administrators in that particular facility;

6) A complete work history since completion of education set forth in subsection (a)(2) above until present; and

7) The required fee set forth in Section 1310.65 of this Part 14-of the-Nursing-Home-Administrators-Licensing-and-Disciplinary-Act.

b) An applicant for a temporary license as a nursing home administrator may act as a nursing home administrator for a period of up to 60 days prior to the issuance of a license if the applicant has submitted the required fee and an application for licensure to the Department. This 60-day period may be extended until the next Board meeting if action by the Board is required. The applicant shall keep a copy of the

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*submitted application on the premises where the applicant is engaged in the practice as a nursing home administrator. The authority to practice shall terminate immediately upon the denial of licensure by the Department or the withdrawal of the application.* (Section 9 of the Act)

c) The holder of a temporary license shall only be authorized to serve as administrator of the facility indicated on the application. A temporary license as an administrator becomes void and shall be surrendered upon the termination, or interruption, of the holder's service as an administrator to the facility for which the temporary license was granted or one year from the date of issuance, whichever comes first. No permanent license will be issued until the temporary license has been returned to the Department. An individual shall be issued only one temporary license within a three-year period.

d) An applicant may request in writing an extension of a temporary license and pay a \$20 processing fee which covers the cost of printing a new temporary license. Upon the recommendation of the Board and approval by the Department, a temporary license shall be extended for an additional twelve--12 months, or any portion thereof, for the following reasons:

- 1) Interruption of work during the initial twelve--12 month period of temporary licensure for service in the military;
- 2) Interruption of the initial twelve--12 month period for incapacitating illness and/or hospitalization verified by a physician; or
- 3) Interruption of the initial twelve--12 month period because of an anticipated change of residence necessitating surrender of the temporary certificate.

e) A temporary license shall be extended upon request from the license holder pending the successful completion of the next available nursing home administrator examination and the permanent license being issued. No license will be issued until the temporary license has been returned to the Department. In the event the individual fails to take the next available examination or fails to successfully complete the next available examination for licensure set forth in Section 1310.60 of this Part, the temporary license shall be void and the individual shall be practicing as a nursing home administrator without a license and subject to discipline in accordance with Section 17 of the Act.

f) Upon approval of the temporary license, the applicant shall be eligible to sit for the examination set forth in Section 1310.60.

(Source: amended at 23 Ill. Reg.

5728 effective

APR 30 1999

## Section 1310.30 Application for Examination

a) An applicant for a license as a nursing home administrator shall file an application on forms supplied by the Department, at least 60 days

## DEPARTMENT OF PROFESSIONAL REGULATION

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prior to an examination date, together with:

- 1) Certification of graduation from high school or a GED;
- 2) Certified records of education and experience of any one of the following:

A) Graduation from an accredited college or university with the minimum of a Baccalaureate Degree;

B) Satisfactory completion of an approved course of instruction in nursing home administration as outlined in Section 1310.40;

C) Graduation from a three year diploma nurse program and an Employer's Affidavit certifying two years of qualifying experience as described in Section 1310.50; or

D) An associate degree or a minimum of 60 semester or 90 quarter hours of credit earned from an accredited college or university and an Employer's Affidavit certifying to the applicant's qualifying experience as described in Section 1310.50;

- 3) Certification, for those applying pursuant to Section 3(3) of the Act, that the applicant is certified by a recognized church or religious denomination which teaches reliance on spiritual means alone for healing, as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teaching.

Such applicant upon successful completion of the examination set forth in Section 1310.60(f) of this Part, will be issued a Limited Nursing Home Administrator License which will allow the individual to be an administrator in an institution of the certifying church or denomination;

- 4) A statement of sound physical and mental health, dated within one year preceding application, signed by a currently licensed physician, (nothing in this subsection shall require a physical or mental examination for any applicant who is a member of a recognized church or religious denomination which teaches reliance on spiritual means alone for healing) (Section 3(3) of the Act);

- 5) A complete work history since completion of education set forth in subsection (a) above; and

- 6) The required fee set forth in Section 1310.65 of this Part 14-of the Act.

- b) An applicant for a license by examination who has taken the National Association of Board of Examiners for Nursing Home Administrators examination in another jurisdiction shall have the examination scores submitted to the Department by the reporting entity. The passing score shall be 75 prior to July 1993. Beginning in July 1993, the passing score shall be a scale score of 113 in accordance with Section 1310.60 of this Part.

(Source: Amended at 23 Ill. Reg. 5728, effective

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APR 30 1993

## Section 1310.40 Approved Nursing Home Administration Courses

The Department, upon the recommendation of the Nursing Home Administrators Licensing and Disciplinary Board (the "Board"), shall approve courses of instruction in nursing home administration offered by an accredited college or university which include instruction in the following areas:

- a) Nursing Home Administration; including planning, organization, operations and services, resource development, supervision of staff, and control and evaluation of facility performance. Government Relations; including state and federal laws (i.e., Social Security Act (42 USC W-8-er 301 et seq.) and Nursing Home Care Act [210 ILCS 45] (111-Rev-Stat-1991-ch-111-1/2-par-451-101-et-seq-7) and rules and regulations for both programs and physical plants which relate to the nursing home profession.

- b) Personnel Management; including managing people for the specific needs of the long-term care facility, recruitment and selection, orientation, training and development of employees, development of employee appraisal programs, communications, wage and salary administration, union procedures, and employee-management relations, discipline and morale.

- c) Accounting and Financial Management; including basic accounting, adjustment of accounts, preparation of financial statements, financial management planning, effective use of resources, financial performance evaluation, cost analysis, and budgeting.

- d) Social Gerontology and/or Geriatrics; including biology of aging, psychology of aging, changing social roles of aging, personal adjustment to aging, programs for health improvement and rehabilitation, financial aspects of aging, retirement, independence and dependency of aging persons, societal disengagement, impact of living arrangements, and interaction between the institution and the needs of patients.

(Source: Amended at 23 Ill. Reg. 5728, effective

## Section 1310.50 Qualifying Experience

Qualifying experience for applicants under Sections 1310.20(a)(3)(C) and (D) and 1310.30 (a)(2)(C) and (D) (b)(3)-(4) shall include one of the following:

- a) Two years of full-time employment as an assistant nursing home administrator or director of nursing in a facility licensed by the Illinois Department of Public Health pursuant to the Nursing Home Care Act, or full-time employment as an administrator of a related facility for two years or more. Related facilities include hospitals with long-term care beds or other licensed long-term care facilities not

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having nursing care beds licensed by the Illinois Department of Public Health. Experience as an assistant administrator or director of nursing in such a facility shall not qualify.

- b) Two years of management experience in a corporation which owns and operates licensed nursing home facilities. This experience shall include direct contact with the nursing home administrator in the implementing, coordinating, supervising, and evaluating the daily operations of the nursing homes under his charge and ensuring that the laws, regulations, policies, and procedures for nursing home facilities or related facility were implemented and followed.

(Source: Amended at 23 Ill. Reg. 67CS 12 effective APR 30 1999)

## Section 1310.70 Endorsement

- a) An applicant for a license as a nursing home administrator who is licensed under the laws of another jurisdiction of the United States shall file an application with the Department, together with:

- 1) Certification of graduation from high school or a GED;
- 2) Verification, on forms provided by the Department, of education and/or qualifying experience of any one of the following:

A) Graduation from an accredited college or university with the minimum of a Baccalaureate Degree;

B) Completion of an approved course of instruction in nursing home administration as outlined in Section 1310.40;

C) Graduation from a three year diploma nurse program and an Employer's Affidavit certifying to two years of qualifying experience as described in Section 1310.50;

D) An associate degree or a minimum of 60 semester or 90 quarter hours of credit earned from an accredited college or university and an Employer's Affidavit certifying to the applicant's qualifying experience as described in Section 1310.50; or

E) Certification of completion of the Professional Certification Program for Nursing Home Administrators developed by the Foundation of the American College of Health Care Administrators;

- 3) Certification, for those applying pursuant to Section 3(3) of the Act, that the applicant is certified by a recognized church or religious denomination which teaches reliance on spiritual means alone for healing, as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teaching. Such applicant will be issued a Limited Nursing Home Administrator License which will allow the individual to be an administrator in an institution of the certifying church or denomination;

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- 4) A certification from the U.S. jurisdiction of original licensure, stating:

A) The time during which the applicant was licensed in that state;

B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending pursuant to Section 17 of the Act; and

C) Examination(s) taken and examination scores received;

- 5) A statement of sound physical and mental health, dated within one year preceding application, signed by a currently licensed physician (nothing in this subsection (a)(3) shall require a physical or mental examination for any applicant who is a member of a recognized church or religious denomination which teaches reliance on spiritual means alone for healing) (Section 3(3) of the Act);

6) A work history since completion of education as set forth in subsection (a)(1) above;

7) Successful completion of the Illinois Supplemental examination in accordance with Section 1310.60(c) of this Part; and

8) The required fee as set forth in Section 1310.65 of this Part 14 of the Act.

- b) The Department shall examine each endorsement application to determine whether the requirements in the other jurisdiction at the date of licensure were substantially equivalent to the requirements then in force in this State, if the applicant's qualifications were, at the date of licensure in the other jurisdiction, substantially equivalent to the requirements then in force in this State, and whether the applicant has otherwise complied with the Act.

- c) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure by endorsement shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

- d) The Department shall either approve an applicant to sit for the Illinois Supplemental examination or notify the applicant in writing of the reasons for the denial of the application.

(Source: Amended at 23 Ill. Reg. 67CS 12 effective

APR 30 1999)

## Section 1310.80 Restoration

- a) A person seeking restoration of a license which has expired for 5 less than--five--(5) years or less shall have the license restored upon



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payment of \$20 ~~to~~ plus all lapsed renewal fees required by Section 1310.65 of this Part ~~14--of--the--Act~~ and proof of the successful completion of 36 hours of continuing education or ~~3 three--(3)~~ semester hours of completed college level course work in accordance with Section 1310.85 during the ~~2 two~~ years prior to restoration.

b) A person seeking restoration of a license which has been placed on inactive status for ~~5 less--than--five--(5)~~ years or less shall have the license restored upon payment of the current renewal fee and proof of the successful completion of 36 hours of continuing education or ~~three~~ ~~3~~ semester hours of completed college level course work in accordance with Section 1310.85 during the ~~2 two~~ years prior to restoration.

c) A person applying for restoration of a license as a nursing home administrator which has been expired or on inactive status for more than ~~five--(5)~~ years shall file an application with the Department, together with proof of 36 hours of continuing education or ~~three--(3)~~ semester hours of completed college level course work in accordance with Section 1310.85 during the ~~2 two~~ years prior to restoration and the fee required by Section ~~1310.65~~ of this Part ~~14--of--the--Act~~. The applicant shall also:

1) Submit certification of licensure as a nursing home administrator in another jurisdiction and active practice for 3 of the last 5 years prior to application. Such certification of licensure shall include a statement from the appropriate board of licensing authority in another jurisdiction that the licensee was licensed and in good standing; or

2) Submit an affidavit attesting to military service as provided in Section 11 of the Act; or

3) Submit proof of an additional 36 hours of continuing education in accordance with Section 1310.85 completed within 2 years prior to restoration application; or

4) Pass both portions of the examination provided for in Section 1310.60. ~~Persons who must take both portions of--the--examination are exempt from the 36-hour CE requirement.~~

d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:

1) Provide such information as may be necessary; and/or

2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information. Upon recommendation of the Board and approval by the Department, an applicant shall have the license restored.

(Source: Amended at 23 Ill. Reg. 5728, effective APR 30 1999)

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## Section 1310.85 Continuing Education

a) Continuing Education Hour Requirements

1) Every renewal applicant shall complete 36 hours of Continuing Education (CE) relevant to the practice of nursing home administration required during each prerenewal period. The Department shall conduct random audits to verify compliance with this Section. The prerenewal period is the 24 months preceding the expiration date of the license.

2) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.

3) Nursing home administrators licensed in Illinois but residing and practicing in another states must comply with the CE requirements set forth in this Section.

b) Activities for which CE credit may be earned are as follows:

1) Verified attendance or participation in any continuing education course approved by the National Continuing Education Review Service of the National Association of Boards of Examiners of Nursing Home Administrators.

2) Verified attendance at or participation in a program given by a sponsor as set forth in subsection (c)(1) of this Section.

3) A maximum of 12 hours per prerenewal period for:

A) papers prepared or delivered before recognized nursing home administration and nursing home organizations;

B) papers published in nationally recognized nursing home administration journals;

C) a chapter in a book of nursing home administration;

D) self-study courses taken through an accredited college or university or an approved sponsor; and

E) teleconferencing with a live moderator through an accredited college or university or an approved sponsor.

4) A licensee who serves as an instructor, speaker or discussion leader of an approved course will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for presentations of the same course and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 9 hours during any renewal period.

5) The continuing education hours used to satisfy the CE requirements for renewal of a nursing home administrator license held in another jurisdiction shall be applied to fulfillment of the CE requirements for renewal of an Illinois nursing home administrator license.

6) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 12 CE hours for each semester hour or 8 CE hours for

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each quarter hour of school credit awarded. ~~Three--(3)--semester hours--of--course--work--relevant--to--nursing--home--administration completed at an accredited college or university. One--semester of--course--work--is--equivalent--to--15--hours--of--CE--and--one--quarter--of--course--work--is--equivalent--to--10--hours--of--CE.~~

7) A CE hour equals 60 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.

8) No credit will be given for activities including, but not limited to, attendance at meetings or reading of journals.

## c) CE Sponsors and Programs

1) Sponsor, as used in this Section, shall mean:

- A) ~~The Life Services Network of Illinois~~ The--Illinois Association-of-Homes-for-the-Aging;
- B) The Illinois Council on Long Term Care;
- C) County Nursing Home Association of Illinois;
- D) Illinois Health Care Association;
- E) The Illinois Nursing Home Administrators Association; or
- F) National Continuing Education Review Service;
- G) The Illinois Chapter of American College of Health Care Administrators; or

~~H) Any other school, college or university, State agency, or any other person, firm, or association which has been approved and authorized by the Department to coordinate and present continuing education courses and programs in conjunction with this Section.~~

2) A sponsor shall file a sponsor application, along with the required fee set forth in Section 1310.65 of this Part 14-of-the Act, which certifies:

- A) that all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(5) below and all other criteria in this Section. The applicant shall be required to submit a sample 3 hour CE program with course materials, presenter qualifications and course outline for review prior to being approved as a CE sponsor;
- B) that the sponsor will be responsible for verifying attendance at each course or program and provide a certificate of completion as set forth in subsection (c)(7); and
- C) that upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance.

3) Each sponsor shall submit by November 30 of each odd-numbered year a sponsor renewal application along with the required fee set forth in Section 1310.65 of this Part 14-of-the-Act. With the renewal application the sponsor shall be required to submit

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to the Department a list of all courses and programs offered in the past 2 years that year--which includes a description, location, date and time the course was offered.

4) State agencies, colleges and universities shall submit a sponsor application in accordance with subsections (c)(2) and (3) above; however, they shall be exempt from payment of the fee in accordance with Section 1310.65 of this Part 14-of-the-Act.

5) All courses and programs shall:

- A) Contain materials which contribute to the advancement, extension and enhancement of professional skills and knowledge in the practice of nursing home administration;
- B) Specify the course objectives, course content and teaching methods to be used;
- C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
- D) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal; and
- E) Include some mechanism whereby participants evaluate the overall quality of the program.

6) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.

7) All programs given by sponsors shall be open to all licensed nursing home administrators and not be limited to the members of a single organization or group.

8) Certificate of Attendance or Participation. It shall be the responsibility of the sponsor to provide each participant in an approved program or course with a certificate of attendance or participation which shall contain the following information:

- A) The name and address of the sponsor;
- B) The name, address and license number of the participant;
- C) A brief statement of the subject matter;
- D) The number of clock hours actually attended in each program;
- E) The date and place of the program; and
- F) The signature of the sponsor.

9) The sponsor shall maintain course materials and attendance records containing all information in subsection (c)(8) above for not less than 5 years, except for the signature of the sponsor.

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109) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

110) If a sponsor should fail to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board, shall thereafter refuse to accept for CE credit attendance at or participation in any of such sponsor's CE activities until such time as the Department receives assurances of compliance with this Section.

121) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any continuing education program at any time.

132) The Department shall maintain a list of all approved continuing education sponsors.

d) Continuing Education Earned in Other Jurisdictions.

1) If a renewal applicant will be earning or has earned CE hours in another jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the programs using the criteria set forth in subsection (c)(5) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted prior to the expiration date of the license.

2) If a licensee fails to submit an out of state CE approval form within the required time, late approval may be obtained by submitting the application with the \$20 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.

e) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, to full compliance with the CE requirements set forth in subsection (a), above.

2) The Department may require additional documentation in order to demonstrate compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such additional documentation will be required in the context of the Department's random audit.

3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] (11-Rev-Stat--1991-ehv-127

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par--10167.

f) Restoration of Nonrenewed License. Upon evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee.

g) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application, the required renewal fee, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of these facts. If the Department, upon the written recommendation of the Board, finds from the applicant's affidavit or any other evidence submitted, that extreme hardship has been shown to substantiate the granting of a waiver, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

2) If an interview with the Board is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

3) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
  - B) An incapacitating illness, documented by a currently licensed physician;
  - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
  - D) Any other similar extenuating circumstances (i.e., family illness and prolonged hospitalization).
- 4) Any renewal applicant who, prior to the expiration date of his/her license, submits a request for a waiver, pursuant to the provisions of this Section shall be deemed to be in good standing until the Department's final decision on the application has been made.

(Source: Amended at 23 Ill. Reg. effective APR 30 1999)

## Section 1310.100 Professional Conduct Standards

The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action, based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of



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Section 17 of the Act, which is interpreted to include, but is not limited to, the following acts or practices:

- a) Practicing, condoning, facilitating or collaborating with any form of discrimination against any person or group on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status.
- b) Engaging in the sexual exploitation of clients.
- c) Engaging in or condoning sexual harassment, which is defined as deliberate or repeated comments, gestures or physical contacts of a sexual nature.
- d) Failing to take appropriate steps to protect the privacy of a client and avoid unnecessary disclosures of confidential information.
- e) Performing, or claiming to be able to perform, professional services beyond one's scope of practice and one's competency.
- f) Submission of fraudulent claims for services to any person or entity including, but not limited to, health insurance companies or health service plans or third party payors.

(Source: Added at 23 Ill. Reg. effective  
APR 30 1999)

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- 1) Heading of the Part: Illinois Optometric Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1320
- 3) Section Numbers: Adopted Action:  
1320.210 Amendment
- 4) Statutory Authority: Illinois Optometric Practice Act of 1987 [225 ILCS 80]
- 5) Effective Date of Amendments: April 30, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments is on file in the agency's principal office and available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: January 4, 1999, at 23 Ill. Reg. 123
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?  
No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Section 1320.210 will no longer require applicants for diagnostic certification to complete their education or a diagnostic course 2 years prior to application. Since all optometric schools now teach diagnostics as a part of their curriculum and the National Board examination includes diagnostic questions, the 2 year time requirement is obsolete.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786

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217/785-0813

Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

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## TITLE 68: PROFESSIONS AND OCCUPATIONS

## CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION

## SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1320

## OPTOMETRIC PRACTICE ACT OF 1987

## SUBPART A: OPTOMETRY

## Section

1320.20 Approved Programs of Optometry  
 1320.30 Application for Licensure  
 1320.40 Examinations  
 1320.45 Fees (Emergency Expired)  
 1320.50 Endorsement  
 1320.55 Renewals (Renumbered)  
 1320.60 Inactive Status  
 1320.70 Restoration  
 1320.80 Continuing Education  
 1320.90 Minimum Eye Examination  
 1320.95 Minimum Equipment List  
 1320.100 Practice of Optometry  
 1320.110 Advertising  
 1320.120 Granting Variances (Renumbered)

## SUBPART B: DIAGNOSTIC TOPICAL OCULAR PHARMACEUTICALS

## Section

1320.200 Standards  
 1320.210 Application for Diagnostic Certification  
 1320.220 Approved Diagnostic Topical Ocular Pharmacological Training  
 1320.230 Approved Diagnostic Topical Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act  
 1320.240 Restoration of Diagnostic Certification  
 1320.250 Endorsement of Diagnostic Certification  
 1320.260 Renewal of Certification (Repealed)  
 1320.270 Display of Certification (Repealed)

## SUBPART C: THERAPEUTIC OCULAR PHARMACEUTICAL AGENTS

## Section

1320.300 Definitions and Standards  
 1320.310 Application for Therapeutic Certification  
 1320.315 Controlled Substance License Requirement  
 1320.320 Approved Therapeutic Ocular Training  
 1320.330 Approved Therapeutic Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act  
 1320.340 Restoration of Therapeutic Certification

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## 1320.350 Endorsement of Therapeutic Certification

## SUBPART D: GENERAL

Section  
1320.400 Fees  
1320.410 Ancillary Licenses  
1320.420 Renewals  
1320.430 Granting Variances

**AUTHORITY:** Implementing the Illinois Optometric Practice Act of 1987 [225 ILCS 80] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

**SOURCE:** Adopted at 5 Ill. Reg. 5869, effective June 1, 1981; codified at 5 Ill. Reg. 11046; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2273, effective January 29, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10032, effective August 1, 1982; amended at 9 Ill. Reg. 1092, effective January 11, 1985; amended at 10 Ill. Reg. 7340, effective April 16, 1986; transferred from Chapter I, 68 Ill. Adm. Code 320 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1320 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 1821; emergency amendment at 12 Ill. Reg. 1925, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11447, effective June 27, 1988; amended at 13 Ill. Reg. 6994, effective April 25, 1989; amended at 14 Ill. Reg. 14128, effective August 15, 1990; amended at 17 Ill. Reg. 18096, effective October 4, 1993; amended at 17 Ill. Reg. 21501, effective December 1, 1993; amended at 19 Ill. Reg. 17150, effective December 19, 1995; amended at 20 Ill. Reg. 9068, effective July 1, 1996; amended at 21 Ill. Reg. 16040, effective November 24, 1997; amended at 23 Ill. Reg. ~~16040~~ 16041, effective APR 30 1999.

## SUBPART B: DIAGNOSTIC TOPICAL OCULAR PHARMACEUTICALS

## Section 1320.210 Application for Diagnostic Certification

A licensed optometrist seeking certification to use diagnostic topical ocular pharmaceutical agents for examination purposes shall file an application with the Department, on forms provided by the Department. The application shall include:

- a) Either
  - 1) Certification that the applicant has graduated within-2-years prior-to-application-for-diagnostic-certification from an approved 4 year optometry program with diagnostic training and proof of passage of all parts of the NBEO examination; or
  - 2) Certification of passage of a diagnostic topical ocular

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pharmaceutical course set forth in Section 1320.220 of this Part within-2-years-prior-to-application;

- b) The required fee set forth in Section 1320.400(a)(2) of this Part.

(Source: Amended at 23 Ill. Reg. APR 30 1999), effective APR 30 1999.



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1) Heading of the Part: The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985

2) Code Citation: 68 Ill. Adm. Code 1175

3) Section Numbers:

1175.100 Adopted Action:  
Amendment  
1175.115 New Section  
1175.405 Amendment  
1175.410 Amendment  
1175.420 Amendment  
1175.425 Amendment  
1175.435 Amendment  
1175.536 New Section  
1175.705 Amendment  
1175.710 Amendment  
1175.720 Amendment  
1175.725 Amendment  
1175.735 Amendment  
1175.841 New Section  
1175.1005 Amendment  
1175.1010 Amendment  
1175.1020 Amendment  
1175.1025 Amendment  
1175.1035 Amendment  
1175.1141 New Section  
1175.1200 Amendment  
1175.1300 Amendment

4) Statutory Authority: The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 [225 ILCS 410]

5) Effective Date of Amendments: April 30, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: February 5, 1999, at 23 Ill. Reg. 1493

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version: No substantive changes

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were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace emergency rules currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking updates the rules to implement Public Act 90-302, which provides for the application, training, licensure and renewal of cosmetology clinic teachers, esthetics clinic teachers, and nail technology clinic teachers. It also adds Section 1175.115, establishing sanitary standards to be followed by all licensees under the Act. Finally, Section 1175.100 is amended to make the continuing education sponsor fees consistent with the Act. Numerous style and grammar changes also were made.

16) Information and questions regarding these adopted amendments shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
(217)785-0813 Fax: 217/782-7645

The full text of the adopted amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1175

THE BARBER, COSMETOLOGY, ESTHETICS,  
 AND NAIL TECHNOLOGY ACT OF 1985

## SUBPART A: GENERAL

## Section

## Fees

1175.100 English Translations  
 1175.105 Granting Variances  
 1175.115 Sanitary Standards

## SUBPART B: BARBER

## Section

1175.200 Examination - Barber  
 1175.205 Examination - Barber Teacher  
 1175.210 Examination Requirements  
 1175.215 Application for Licensure  
 1175.220 Endorsement  
 1175.225 Renewals  
 1175.230 Restoration - Barber  
 1175.235 Restoration - Barber Teacher

## SUBPART C: BARBER SCHOOLS

## Section

1175.300 School Approval Application  
 1175.305 Physical Site Requirements  
 1175.310 Student Contracts  
 1175.315 Advertising  
 1175.320 Recordkeeping - Transcripts  
 1175.325 Recordkeeping - Hours Earned  
 1175.330 Curriculum Requirements - Barber  
 1175.335 Curriculum Requirements - Barber Teacher  
 1175.340 Final Examination  
 1175.345 Change of Ownership  
 1175.350 Change of Location  
 1175.355 Change of Name  
 1175.360 Expansion  
 1175.365 Discontinuance of Program  
 1175.370 Withdrawal of Approval

## SUBPART D: COSMETOLOGY

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Section  
 1175.400 Examination - Cosmetology  
 1175.405 Examination - Cosmetology Teacher  
 1175.410 Examination Requirements  
 1175.415 Application for Licensure  
 1175.420 Endorsement  
 1175.425 Renewals  
 1175.430 Restoration - Cosmetology  
 1175.435 Restoration - Cosmetology Teacher

## SUBPART E: COSMETOLOGY SCHOOLS

Section  
 1175.500 School Approval Application  
 1175.505 Physical Site Requirements  
 1175.510 Enrollment Agreements and Refund Policies  
 1175.515 Advertising  
 1175.520 Recordkeeping - Transcripts  
 1175.525 Recordkeeping - Hours Earned  
 1175.530 Curriculum Requirements - Cosmetology  
 1175.535 Curriculum Requirements - Cosmetology Teacher  
 1175.536 Curriculum Requirements - Cosmetology Clinic Teacher  
 1175.540 Final Examination  
 1175.545 Change of Ownership  
 1175.550 Change of Location  
 1175.555 Change of Name  
 1175.560 Expansion  
 1175.565 Discontinuance of Program  
 1175.570 Withdrawal of Approval

## SUBPART F: CONTINUING EDUCATION - COSMETOLOGY/COSMETOLOGY TEACHER

Section  
 1175.600 Sponsor Approval (Repealed)  
 1175.605 Department Supervision (Repealed)  
 1175.610 Credit Hours (Repealed)  
 1175.615 Waiver of Continuing Education Requirements (Repealed)

## SUBPART G: ESTHETICS

Section  
 1175.700 Examination - Esthetics  
 1175.705 Examination - Esthetics Teacher  
 1175.710 Examination Requirements  
 1175.715 Application for Licensure  
 1175.720 Endorsement  
 1175.725 Renewals  
 1175.730 Restoration - Esthetics

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## 1175.735 Restoration - Esthetics Teacher

## SUBPART H: ESTHETICS SCHOOLS

- Section
- 1175.800 Esthetics School Application
- 1175.805 Cosmetology Schools Approved to Teach Esthetics
- 1175.810 Physical Site Requirements
- 1175.815 Enrollment Agreements and Refund Policy
- 1175.820 Advertising
- 1175.825 Recordkeeping - Transcripts
- 1175.830 Recordkeeping - Hours Earned
- 1175.835 Curriculum Requirements - Esthetics
- 1175.840 Curriculum Requirements - Esthetics Teacher
- 1175.845 Curriculum Requirements - Esthetics Clinical Teacher
- 1175.845 Final Examination
- 1175.850 Change of Ownership
- 1175.855 Change of Location
- 1175.860 Change of Name
- 1175.865 Expansion
- 1175.870 Discontinuance of Program
- 1175.875 Withdrawal of Approval

## SUBPART I: CONTINUING EDUCATION - ESTHETICIAN/ESTHETICS TEACHER

- Section
- 1175.900 Sponsor Approval (Repealed)
- 1175.905 Department Supervision (Repealed)
- 1175.910 Credit Hours (Repealed)
- 1175.915 Waiver of Continuing Education Requirements (Repealed)

## SUBPART J: NAIL TECHNOLOGY

- Section
- 1175.1000 Application for Licensure under Sections 30-4 and 30-5 of the Act (Grandfather) (Repealed)
- 1175.1001 Examination - Nail Technician
- 1175.1005 Examination - Nail Technology Teacher
- 1175.1010 Examination
- 1175.1015 Application for Licensure
- 1175.1020 Endorsement
- 1175.1025 Renewals
- 1175.1030 Restoration - Nail Technician
- 1175.1035 Restoration - Nail Technology Teacher

## SUBPART K: NAIL TECHNOLOGY SCHOOLS

## Section

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- 1175.1100 Nail Technology School Application
- 1175.1105 Cosmetology Schools Approved to Teach Nail Technology
- 1175.1110 Physical Site Requirements
- 1175.1115 Enrollment Agreements and Refund Policies
- 1175.1120 Advertising
- 1175.1125 Recordkeeping - Transcripts
- 1175.1130 Recordkeeping - Hours Earned
- 1175.1135 Curriculum Requirements - Nail Technology
- 1175.1140 Curriculum Requirements - Nail Technology Teacher
- 1175.1145 Curriculum Requirements - Nail Technology Clinical Teacher
- 1175.1145 Final Examination
- 1175.1150 Change of Ownership
- 1175.1155 Change of Location
- 1175.1160 Change of Name
- 1175.1165 Expansion
- 1175.1170 Discontinuance of Program
- 1175.1175 Withdrawal of Approval

## SUBPART L: CONTINUING EDUCATION

- Section
- 1175.1200 Sponsor Approval
- 1175.1205 Department Supervision
- 1175.1210 Credit Hours
- 1175.1215 Waiver of Continuing Education Requirements

## SUBPART M: SHOP REGISTRATION

- Section
- 1175.1300 Application for a Barber Shop or Cosmetology, Nail Technician or Esthetics Salon Certificate of Registration

AUTHORITY: Implementing the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 (225 ILCS 410) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (20 ILCS 2105/60(7)).

SOURCE: Adopted at 12 Ill. Reg. 20488, effective November 29, 1988; emergency amendments at 13 Ill. Reg. 6810, effective April 10, 1989, for a maximum of 190 days; amended at 13 Ill. Reg. 15034, effective September 7, 1989; amended at 14 Ill. Reg. 14090, effective August 30, 1990; amended at 16 Ill. Reg. 13276, effective August 18, 1992; amended at 18 Ill. Reg. 4856, effective March 14, 1994; amended at 21 Ill. Reg. 7277, effective May 29, 1997; amended at 23 Ill. Reg. 6111, effective

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SUBPART A: GENERAL

Section 1175.100 Fees



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- a) Licensure fees for cosmetologists, barbers, estheticians, nail technicians, cosmetology teachers, cosmetology clinic teachers, barber teachers, esthetics teachers, esthetics clinic teachers, and nail technology teachers and nail technology clinic teachers are:

- 1) License. The fee for a license is \$30 and is to be submitted with the application.
- 2) Examination. Applicants for any examination shall be required to pay, either to the Department of Professional Regulation (the Department) or to the designated testing service, a fee covering the cost of providing the examination.
- 3) Renewal. The fee for renewal of a license shall be calculated at the rate of \$25 per year.
- 4) Restoration. The fee for restoration of a license is \$10 plus payment of all lapsed renewal fees, but not to exceed \$135.
- 5) Restoration From Inactive Status. The fee for restoration of a license from inactive status is the current renewal fee.
- 6) Endorsement. The fee for a license for a cosmetologist, barber, esthetician, nail technician, cosmetology teacher, barber teacher, esthetics teacher or nail technology teacher licensed under the laws of another jurisdiction is \$45.

- b) Licensure fees for cosmetology schools, barber schools, esthetics schools or nail technology schools are:

- 1) License. The fee for a license is \$150 plus the cost of inspection (\$50).
- 2) Change of Ownership. The fee for a license resulting from a change of ownership is \$150 plus the cost of inspection (\$50).
- 3) Change of Location. The fee for a license resulting from a change of location is \$150 plus the cost of inspection (\$50).
- 4) Change of Name. The fee for a license resulting from a change of name is \$20.
- 5) Renewal. The fee for renewal of a license shall be calculated at \$100 per year.

## c) Salon Fees

- 1) Registration. The fee for registration of a barber shop or cosmetology, nail technician or esthetics salon (salon) is \$40.
- 2) Change of Name. The fee for changing the name or address of a registered barber shop or salon is \$20.
- 3) Renewal. The fee for renewal of a registration for a barber shop or salon is calculated at \$20 per year.

## d) Sponsor Fees

- 1) Registration. The fee for registration as a continuing education sponsor shall be \$500 ~~per~~ per--year pursuant to Section 4-1.5(c) 4-1-5(d) of the Act.
- 2) Renewal. The fee for renewal as a continuing education sponsor shall be \$250 every two years pursuant to Section 4-1.5(c) of the Act. If a sponsor allows the registration to lapse, he/she will be required to submit \$500 to restore the registration pursuant to Section 4-1.5(c) of the Act.

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- 3) State agencies, State colleges and State universities in Illinois who are approved as continuing education sponsors shall be exempt from registration and renewal fees.

## e) General Fees

- 1) Duplicate/Replacement. The fee for the issuance of a duplicate or replacement license is \$20.
- 2) Change of Name or Address. The fee for issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no license is issued.
- 3) Certification of Record. The fee for certification of a licensee's record for any purpose is \$20.
- 4) Wall Certificate. The fee for a wall certificate showing licensure is the actual cost of producing such a certificate.
- 5) Roster. The fee for a roster of persons licensed as cosmetologists, cosmetology teachers, barbers, barber teachers, estheticians, esthetics teachers, nail technicians, nail technology teachers, cosmetology schools, esthetics schools, nail technology schools, barber schools, and shops and salons is the actual cost of producing such a roster.
- 6) Inactive Status. The fee to place a license on inactive status, other than during renewal, is \$20.

(Source: Amended at 23 Ill. Reg.

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## Section 1175.115 Sanitary Standards

The sanitary standards set forth in this Section shall be followed by all licensees as appropriate to their practice. Failure to comply with these standards shall be considered unprofessional conduct and may be determined to be a violation pursuant to Section 4-7 of the Act.

## a) Definitions

- 1) "Hospital Grade Disinfectant" is defined as a disinfectant that is registered with the Environmental Protection Agency as a hospital-level disinfectant and that performs the functions of bactericides (kill harmful bacteria), virucides (kill pathogenic viruses), and fungicides (destroy fungus).

- 2) "Disinfect" means to clean with an agent that eliminates microbacteria growth.

- 3) "Sanitize" means to clean with hot water and soap.

## b) Sanitary Requirements

- 1) All instruments and tools shall be sanitized before and after each patron and kept in an air tight container until used.
- 2) All nondisposable manicure implements shall be cleaned with a hospital grade disinfectant.
- 3) Manicure tables shall be cleaned with an antibacterial disinfectant.

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- 4) Clean towels shall be used for each patron.
- 5) Wood sticks and files (except sanitizable file and buffing blocks) shall be discarded after each use.
- 6) Shampoo bowls must be sanitized after each use.
- 7) Hands must be cleansed before and after serving each patron.
- 8) Head rests of any chair shall be protected with a disposable cover and changed after each use, or a clean washable towel may also be used.
- 9) All cosmetics shall be applied with sanitized or disposable applicators and removed from the container with a sanitary spatula.
- 10) Clean nondisposable esthetics sheets, gowns and head coverings shall be used for each patron.
- 11) Animals, such as birds and cats, are not permitted (with the exception of seeing eye animals for the physically impaired).
- 12) All floors, walls and furniture shall be kept clean at all times.
- 13) All soiled towels shall be kept in a covered container.
- 14) All clean towels shall be kept in a closed or covered space.
- 15) All hair that is swept up from the floor shall be kept in a covered container.
- 16) Proper disposal of unused products and packaging is required.
- 17) Proper disposal and handling of hazardous materials is required.
- 18) The use of nail products or the distribution of nail products containing monomer Methyl Methacrylate (MMA) is prohibited.
- 19) No owner or manager of a salon or shop shall knowingly permit any person suffering from a serious communicable disease, as defined in public health regulations, to work on the premises.
- 20) All owners or managers of salons or shops shall provide adequate ventilation as required by the city, county or municipality and insure that an adequate supply of hot and cold running water is available.

(Source: Added at 23 Ill. Reg. 619.200, effective APR 30 1999)

## SUBPART D: COSMETOLOGY

## Section 1175.405 Examination - Cosmetology Teacher and Cosmetology Clinic Teacher

- a) Eligibility. Each applicant must meet the requirements in Section 3-4(a), (b), (c), (d) and (e) of the Act prior to filing an application for the cosmetology teacher examination.
- b) Application. Each applicant shall file an application, on forms provided by the Department, at least 45 days prior to an examination date. The application shall include:
  - 1) Proof of any name change (i.e., marriage license, divorce decree, affidavit, or court order) if name is other than that shown on

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- any document submitted;
- 2) The required examination fee;
- 3) For cosmetology teacher Bather:
  - A) An official transcript from an approved school of cosmetology showing successful completion of 500 hours of teacher training as outlined in Section 1175.535 of this Part and 2 employment verification forms showing at least 2 years of practical experience as a registered licensed cosmetologist; or
  - B) An official transcript from an approved school of cosmetology (see Subpart E) showing successful completion of 1000 hours of teacher training as outlined in Section 1175.535 of this Part;
- 4) For cosmetology clinic teacher: An official transcript from an approved school of cosmetology showing successful completion of 250 hours of clinic teacher training as outlined in Section 1175.536 of this Part and 2 employment verification forms showing at least 2 years of practical experience as a licensed cosmetologist within 5 year prior to application;
- 5) A complete work history since graduation from cosmetology school; and
- 6) A copy of the applicant's current Illinois cosmetology license.

(Source: Added at 23 Ill. Reg. 619.200, effective APR 30 1999)

## Section 1175.410 Examination Requirements

- a) Examinations shall be administered by the Department or its designated testing service and shall cover subject matter as set forth in Section 3-6 of the Act.
- b) The passing grade on each examination is 75.
- c) Retakes
  - 1) A cosmetology applicant who fails to pass a third examination must submit an official transcript from a licensed cosmetology school showing successful completion of a 250 hour refresher course prior to taking the examination a fourth time.
  - 2) A cosmetology teacher or cosmetology clinic teacher applicant who fails to pass a third examination must submit an official transcript from a licensed cosmetology school showing successful completion of 80 hours of additional study in teaching methodology and educational psychology prior to taking the examination a fourth time.
  - 3) Upon failing the fourth examination an applicant must submit an official transcript from an approved cosmetology school showing successful repetition of the entire course of training prior to taking the examination a fifth time.
  - 4) For purposes of the examination retakes, the fifth attempt shall

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count as the first.

- 5) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (c)(1), (2) and (3) above.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective APR 3 11 1999.

## Section 1175.420 Endorsement

- a) An applicant who is currently licensed as a cosmetologist in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Department, that shall include:

- 1) A certification from the state of original licensure stating:
  - A) A brief description of any licensure examination taken and the grades received; and
  - B) Whether the applicant's file contains any record of disciplinary actions taken or pending;
- 2) Official transcripts from the school(s) attended by the applicant showing the courses completed and the hours received with the school seal affixed or a verification from the licensing authority of the number of hours required for licensure at the time the applicant was originally licensed;
- 3) Certification of current licensure if other than original licensure;
- 4) Two completed Verification of Employment forms showing at least 3 years of lawful practice in another jurisdiction if:
  - A) The jurisdiction of original licensure does not require a licensing examination or has not provided an examination score; or
  - B) The applicant is applying under Section 3-8 of the Act;

- 5) A complete work history showing all employment since graduation from cosmetology school to present;
- 6) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on submitted documents;
- 7) The required fee set forth in Section 1175.100; and
- 8) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Department in the application review. The Department will make such a request if the application materials are incomplete.

- b) An applicant who is currently licensed as a cosmetology teacher or cosmetology clinic teacher in another jurisdiction and who is seeking licensure as a cosmetology teacher or cosmetology clinic teacher in Illinois by endorsement shall file an application, on forms provided

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by the Department, which shall include:

- 1) A certification from the state of original licensure stating:
    - A) A brief description of any licensure examination taken and the grades received; and
    - B) Whether the applicant's file contains any record of disciplinary action taken or pending;
  - 2) Official transcripts from the school(s) attended by the applicant showing the courses completed and the hours received with the school seal affixed or a verification from the licensing authority of the number of hours required for licensure at the time the applicant was originally licensed;
  - 3) Certification of current licensure if other than original licensure;
  - 4) Either:
    - A) Two Verification of Employment forms submitted by an applicant who completed at least 500 hours of teacher training. A cosmetology teacher applicant shall verify 2 years of lawful practice as a cosmetologist; or
    - B) Two Verification of Employment forms submitted by an applicant who completed at least 250 hours of clinic teacher training. A cosmetology clinic teacher applicant shall verify 2 years of lawful practice as a cosmetologist; or
    - C) Two completed Verification of Employment forms showing at least 3 years of lawful practice as a cosmetology teacher or cosmetology clinic teacher submitted by an applicant who is applying as a cosmetology teacher or cosmetology clinic teacher on the basis of 3 years of lawful practice;
  - 5) A complete work history showing all employment since graduation from basic cosmetology school to present;
  - 6) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;
  - 7) The required fee set forth in Section 1175.100; and
  - 8) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Department in the application review. The Department will make such a request if the application materials are incomplete.
- c) An applicant for licensure as a cosmetologist who is licensed in another jurisdiction shall be given 300 hours of educational credit for every 12 month period during which he/she was lawfully employed as a cosmetologist. To obtain credit for work experience, the applicant must submit verification of employment on forms provided by the Department in support of the work experience. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.
- d) An applicant applying for licensure as a cosmetologist or cosmetology teacher or cosmetology clinic teacher on the basis of endorsement who has previously failed the licensing examination in Illinois shall not



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be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination and fulfills the requirements set forth in Section 1175.410(c). The successful completion of the substantially equivalent examination and fulfillment of applicable qualification requirements must occur after the most recently failed examination attempt in Illinois.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1175.425 Renewals

a) Every license issued under the Act shall expire as follows:

- 1) Cosmetology teacher, cosmetology clinic teacher and cosmetology school licenses shall expire on September 30 of each even numbered year.
- 2) Cosmetologist licenses shall expire on September 30 of each odd numbered year. A pre-renewal period is the 24 month period preceding September 30th in the year of renewal.
- 3) The holder of a license may renew that license during the month preceding its expiration date.

b) Applicants for renewal shall:

- 1) Return a completed renewal application.
- 2) Cosmetologist -- Certify on the renewal application to successful completion of a minimum of 14 hours of continuing education from a cosmetology sponsor registered with the Department, in accordance with Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license, if renewing a cosmetology license.

A) A renewal applicant is not required to comply with continuing education for the first renewal after issuance of original license.

B) The Department may require additional evidence demonstrating compliance with the CE requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.

3) Cosmetology Teacher and Cosmetology Clinic Teacher -- Certify on the renewal application to successful completion of a minimum of 24 hours of continuing education from a sponsor registered with the Department, in accordance with Section 1175.1200 of this Part, within the 2 years prior to renewal if renewing a cosmetology teacher or cosmetology clinic teacher license.

A) Effective with the 1998 renewal, a cosmetology teacher will be required to complete 24 hours of continuing education

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from a sponsor approved in accordance with Section 1175.1200. Ten of those hours shall be in the following areas:

- A) Teaching methodology;
- B) Educational psychology;
- C) Classroom management; or
- D) Other teaching related courses.

B) A renewal applicant is not required to comply with continuing education for the first renewal after issuance of original license.

C) The Department may require additional evidence demonstrating compliance with the continuing education requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.

4) Submit the required fee set forth in Section 1175.100.

5) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew a license.

C) A renewal applicant is not required to comply with continuing education for the first renewal after issuance of original license.

D) The Department may require additional evidence demonstrating compliance with the continuing education requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.

E) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew a license.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1175.435 Restoration - Cosmetology Teacher

a) A person applying for restoration of a certificate as a licensed cosmetology teacher or cosmetology clinic teacher that has been expired or been on inactive status for less than 5 years shall file an application, on forms provided by the Department. An applicant shall also submit proof of 24 hours of continuing education in accordance with Section 1175.1200 earned within the 2 years preceding the restoration and the required fee set forth in Section 1175.100. If restoring after active military service, an applicant shall submit a

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copy of his/her DD-214 and the current renewal fee.

- b) A person applying for restoration of a license as a cosmetology teacher or cosmetology clinic teacher that has been expired for 5 years or more shall submit an application on forms provided by the Department, along with either:

- 1) All of the following:
    - A) Verification of employment as a cosmetology teacher or cosmetology clinic teacher in another jurisdiction within the 5 years preceding application for restoration;
    - B) Certification of licensure from the licensing authority in the jurisdiction of employment;
    - C) Evidence of successful completion of 24 to 40 hours of continuing education earned within the 2 years immediately preceding the restoration for those cosmetology teachers restoring licenses prior to September 30, 1998; or effective September 30, 1998, any one restoring a cosmetology teacher license that has been expired for 5 years or more shall submit evidence of 24 hours of continuing education specified in Section 3-3 of the Act, earned within the 2 years immediately preceding the restoration;
    - D) A complete work history showing all employment since the Illinois teacher license lapsed;
    - E) A completed restoration questionnaire; and
    - F) The required fee set forth in Section 1175.100; or
  - 2) If restoring after active military service, a copy of the applicant's DD-214 form and the current renewal fee.
- c) An applicant for restoration of a cosmetology teacher license who has not maintained an active teaching practice in another jurisdiction shall submit official transcripts showing successful completion of a 250 hour cosmetology teacher refresher course or passage of the examination set forth in Section 1175.410 within 2 years prior to or within 2 years after application for restoration of a license. Those who successfully complete a 250 hour refresher course or take the examination shall not be required to complete continuing education before restoring a license.
- d) An applicant for restoration of a cosmetology clinic teacher license who has not maintained an active teaching practice in another jurisdiction shall submit official transcripts showing successful completion of a 60 hour cosmetology teacher refresher course or passage of the examination set forth in Section 1175.410 within 2 years prior to or within 2 years after application for restoration of a license. Those who successfully complete a 60 hour refresher course or take the examination shall not be required to complete continuing education before restoring a license.
- e) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

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(Source: Amended at 23 Ill. Reg. effective  
APR 30 1999)

## SUBPART E: COSMETOLOGY SCHOOLS

**Section 1175.536 Curriculum Requirements - Cosmetology Clinic Teacher**

- a) An approved school that intends to provide cosmetology clinic teacher training must utilize a teacher curriculum that includes a minimum of 250 hours as follows:

- 1) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.
- 2) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom clinic management, student motivation and clinic climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods - Secondary Level at an accredited college or university.
- 3) 10 hours of Business Methods that include inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.
- 4) 200 hours of Student Teaching under the on-site supervision of an Illinois licensed cosmetology teacher. The student teacher shall supervise clinic students and present practical demonstrations to students in the clinic portion of the basic cosmetology curriculum.
- b) The approved curriculum for a 250 hour Clinic Teacher Training Course shall be based upon 2 years of practical experience.

(Source: Added at 23 Ill. Reg. effective  
APR 30 1999)

## SUBPART G: ESTHETICS

**Section 1175.705 Examination - Esthetics Teacher and Esthetics Clinic Teacher**

- a) Eligibility. Each applicant must meet the following requirements pursuant to Section 3A-3 of the Act prior to filing an application for the esthetics teacher examination.
- 1) Be at least 18 years of age;

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- 2) Be a high school graduate or its equivalent;
- 3) Hold a current license as a cosmetologist or esthetician; and
- 4) For esthetics teacher ~~either~~:
- A) Complete 500 hours of teacher training in an approved cosmetology or esthetics school and 2 years of experience as a licensed cosmetologist or esthetician within 5 years preceding application; or
- B) Complete 750 hours of teacher training in a licensed cosmetology school approved to teach esthetics or in an esthetics school; and
- 5) For esthetics clinic teacher: An official transcript from an approved school of esthetics or cosmetology showing successful completion of 250 hours of clinic teacher training as outlined in Section 1175.536 or 1175.841 of this Part and 2 employment verification forms showing at least 2 years of practical experience as a licensed cosmetologist within 5 years prior to application.
- b) Application. Each applicant shall file an application, on forms provided by the Department, at least 45 days prior to an examination date. The application shall include:
- 1) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if different than shown on supporting documents;
- 2) The required fee set forth in Section 1175.100;
- 3) For an esthetics teacher ~~either~~:
- A) An official transcript from an approved school of esthetics or cosmetology showing successful completion of 500 hours of teacher training as outlined in Section 1175.535 or 1175.840 of this Part and 2 employment verification forms showing at least 2 years of the last 5 years preceding the examination of practical experience as a licensed esthetician or cosmetologist; or
- B) An official transcript from an approved school of esthetics or cosmetology (see Subpart H or Subpart E) showing successful completion of 750 hours of teacher training as outlined in Section 1175.535 or 1175.840 of this Part;
- 4) For an esthetics clinic teacher: An official transcript from an approved school of esthetics or cosmetology showing successful completion of 250 hours of clinic teacher training as outlined in Section 1175.536 or 1175.841 of this Part and 2 employment verification forms showing at least 2 years of the last 5 years preceding the examination of practical experience as a licensed esthetician or cosmetologist;
- 5) A complete work history since graduation from an esthetics or cosmetology school;
- 6) A copy of the applicant's current Illinois esthetician or cosmetology license;
- 7) For any person who holds a cosmetologist's license, a certificate

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of competency in the use of machines (steamer, disencrustation machine, etc.) utilized in the practice of esthetics. Such certificate shall be from the school of cosmetology or esthetics or the manufacturer of such machines used in esthetics; and

g) If licensed in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice.

(Source: Amended at 23 Ill. Reg. effective  
APR 30 1999)

## Section 1175.710 Examination Requirements

- a) ~~Examinations A-separate--examination~~ shall be administered by the Department or its designated testing service for estheticians, and esthetics teachers and esthetics clinic teachers and shall cover subject matter as set forth in Section 3A-5 of the Act.
- b) The passing grade on each examination is 75.
- c) Retakes
- 1) Esthetician. An applicant who fails to pass a third examination to become a licensed esthetician must submit an official transcript from a cosmetology school approved to teach esthetics or an esthetics school approved by the Department showing successful completion of a 125 hour refresher course prior to taking the examination a fourth time.
- 2) Esthetics Teacher or Esthetics Clinic Teacher. An applicant who fails to pass a third examination to become a licensed esthetics teacher or esthetics clinic teacher must submit an official transcript from a licensed esthetics or cosmetology school approved to instruct esthetic teachers showing successful completion of an 80 hour refresher course prior to taking the examination a fourth time.
- 3) An applicant, upon failing the fourth examination to become a licensed esthetician or esthetics teacher or esthetics clinic teacher, must submit an official transcript from an approved esthetics or cosmetology school showing successful repetition of the entire course of ~~esthetics~~ training prior to taking the examination a fifth time.
- 4) For purposes of the examination retakes, the fifth attempt shall count as the first.
- 5) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (c)(1) and (2) above.

(Source: Amended at 23 Ill. Reg. effective  
APR 30 1999)



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## Section 1175.720 Endorsement

- a) An applicant who is currently licensed as an esthetician in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Department, which shall include:

1) A certification from the jurisdiction of original licensure stating:

A) A brief description of any licensure examination taken and the grades received; and

B) Whether the applicant's file contains any record of disciplinary actions taken or pending;

2) Official transcripts from the school(s) attended by the applicant showing the courses completed and the hours received with the school seal affixed;

3) Certification of current licensure if other than original licensure;

4) A complete work history showing all employment since graduation from esthetics school to present;

5) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on attached documents;

6) The required fee set forth in Section 1175.100; and

7) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Department in the application review. The Department will make such a request if the application materials are incomplete.

- b) An applicant who is currently licensed as an esthetics teacher or esthetics clinic teacher in another jurisdiction and who is seeking licensure as--an--esthetics--teacher in Illinois by endorsement shall file an application, on forms provided by the Department, which shall include:

1) A certification from the jurisdiction of original licensure stating:

A) A brief description of any licensure examination taken and the grades received; and

B) Whether the applicant's file contains any record of disciplinary action taken or pending;

2) Official transcripts from the school(s) attended by the applicant showing the courses completed and the hours received with the school seal affixed;

3) Certification of current licensure if other than original licensure;

4) Either:

A) Two Verification of Employment forms submitted by an applicant who completed at least 500 hours of teacher training. An esthetics teacher applicant shall submit verification of 2 years of lawful practice as an

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B) Two Verification of Employment forms submitted by an applicant who completed at least 250 hours of clinic teacher training. An esthetics clinic teacher applicant shall submit verification of 2 years of lawful practice as an esthetician; or

C) Two Verification of Employment forms indicating 3 years of lawful practice in another jurisdiction submitted by an applicant who is applying as an esthetics teacher or esthetics clinic teacher on the basis of 3 years of lawful practice;

5) A complete work history showing all employment since graduation from basic esthetics school to present;

6) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;

7) The required fee set forth in Section 1175.100; and

8) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Department in the application review. The Department will make such a request if the application materials are incomplete.

- c) An applicant for licensure as an esthetician who is licensed in another jurisdiction shall be given 300 hours of educational credit for every 12 month period during which he/she was lawfully employed as an esthetician. To obtain credit for work experience, the applicant must submit verification of employment in support of the work experience on forms provided by the Department. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.

- d) An applicant applying for licensure as an esthetician, or esthetics teacher or esthetics clinic teacher on the basis of endorsement who has previously failed the licensing examination in Illinois shall not be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination and fulfills the requirements set forth in Section 1175.710(c). The successful completion of the substantially equivalent examination and fulfillment of applicable recertification requirements must occur after the most recently failed examination attempt in Illinois.

(Source: Amended at 23 Ill. Reg. effective APR 30 1999 5768)

## Section 1175.725 Renewals

- a) Every license issued under the Act shall expire as follows:

1) Esthetics teacher, esthetics clinic teacher and esthetics school licenses shall expire on September 30 of each even numbered year.

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- 2) Esthetician licenses shall expire on September 30 of each odd numbered year.
- 3) The holder of a license may renew the license during the month preceding its expiration date.
- b) Applicants for renewal shall:
- 1) Return a completed renewal application.
  - 2) Esthetician. Certify on the renewal application to successful completion of a minimum of 10 hours of continuing education from a an--esthetics--continuing-education sponsor registered with approved--by the Department, in accordance with Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license.
- A) A--renewal--applicant--is--not--required--to--comply--with continuing-education-for-the-first-renewal-after-issuance-of original--license.
- B) The-Department-may-require-additional-evidence-demonstrating compliance-with-the-CE-requirements--(i.e.,--certificate-of attendance--or--certificate-of-completion)--it-is--the responsibility-of--each--renewal--applicant--to--retain--or otherwise--produce--evidence--of--such--compliance--Such evidence--shall--be--required--in--the--context--of--the Department's-random-audit.
- 3) Esthetics Teacher and Esthetics Clinic Teacher. Certify on the renewal application to successful completion of a minimum of 20 hours of continuing education from a an--esthetics--teacher continuing-education sponsor registered with approved--by the Department, in accordance with Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license.
- A) Beginning--with--the--September--30--1998--renewal--each individual-who-applies-for-renewal-of-his/her--esthetics--teacher license--other--than--first-time-renewal--applicant--will-be required--to--complete--20--hours--of--continuing--education--in accordance--with--Section--3A-6--of-the-Act. Ten of the 20 hours shall be in the following areas:
- Ai) Teaching methodology;
- Bii) Educational psychology;
- Ciii) Classroom management; or
- Div) Other teaching related courses.
- B) A--renewal--applicant--is--not--required--to--comply--with continuing-education-for-the-first-renewal-after-issuance-of original--license.
- C) The-Department-may-require-additional-evidence-demonstrating compliance-with-the-CE-requirements--(i.e.,--certificate-of attendance--or--certificate-of-completion)--it-is--the responsibility-of--each--renewal--applicant--to--retain--or otherwise--produce--evidence--of--such--compliance--Such evidence--shall--be--required--in--the--context--of--the Department's-random-audit.

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- 4) Submit the required fee set forth in Section 1175.100.
- 5) it--is--the--responsibility--of--each--licensee--to--notify--the Department-of-any--change--of--address--Failure-to--receive-a renewal--form--from--the-Department-shall-not-constitute-an-excuse for-failure-to-renew-a-license.
- 6) practicing-or-operating-on-a-license-that-has-expired--shall-be considered--unlicensed--activity--and--shall-be--grounds--for discipline-pursuant-to-Section-4-7-of-the-Act.
- c) A renewal applicant is not required to comply with continuing education for the first renewal after issuance of original license.
- d) The Department may require additional evidence demonstrating compliance with the CE requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.
- e) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew a license.
- f) Practicing or operating on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.
- (Source: Amended at 23 Ill. Reg. 7 11 98, effective APR 30 1999)
- Section 1175.735 Restoration - Esthetics Teacher
- a) A person applying for restoration of a license as an esthetics teacher or esthetics clinic teacher that has been expired or been on inactive status for less than 5 years shall submit an application on forms provided by the Department. An applicant shall also submit and--it Pay-the-required-fee-as-set-forth-in-Section-1175.100; and--2) Provide evidence of successful completion of 20 hours of continuing education in accordance with Section 1175.1210 earned within the 2 years immediately preceding the restoration and the required fee set forth in Section 1175.100.
- If restoring after active military service, an applicant shall submit a copy of the applicant's Honorable Discharge form (DD-214) and the current renewal fee.
- b) A person applying for restoration of a certificate as an esthetics teacher or esthetics clinic teacher that has been expired for 5 years or more shall submit an application on forms provided by the Department, along with either:
- 1) All of the following:
    - A) Verification of employment as an esthetics teacher or esthetics clinic teacher attesting to--lawful--teaching

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practice in another jurisdiction within the 5 years preceding application for restoration;

B) A certification from the appropriate licensing authority in the jurisdiction in which lawful practice is claimed;

C) Evidence of successful completion of 20 hours of continuing education earned within 2 years immediately preceding restoration;

D) A complete work history showing all employment since the Illinois esthetics teacher or esthetics clinic teacher license lapsed;

E) A completed restoration questionnaire; ~~B) A copy of the applicant's current Illinois esthetician or cosmetology license; and~~

F) The required fee set forth in Section 1175.100; or

2) If restoring after active military service, a copy of the applicant's DD-214 form and the current renewal fee.

c) An applicant for restoration of an esthetics teacher license who has not maintained a lawful esthetics teaching practice (as determined by the laws of that jurisdiction) in another jurisdiction shall submit official transcripts showing successful completion of a 125 hour teacher refresher course from an approved esthetics or cosmetology school or pass the esthetics teacher examination in accordance with Section 1175.710 within 2 years prior to application for restoration. An applicant who completes this refresher course shall not also be required to complete 20 hours of continuing education.

d) An applicant for restoration of an esthetics clinic teacher license who has not maintained an active teaching practice in another jurisdiction shall submit official transcripts showing successful completion of a 60 hour teacher refresher course or passage of the examination set forth in Section 1175.710 within 2 years prior to or within 2 years after application for restoration of a license. Those who successfully complete a 60 hour refresher course or take the examination shall not be required to complete continuing education before restoring a license. ~~If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.~~

(Source: Amended at 23 Ill. Reg. 6-10-97, effective APR 30 1999)

## SUBPART H: ESTHETICS SCHOOLS

## Section 1175.841 Curriculum Requirements - Esthetics Clinic Teacher

a) An approved school that intends to provide esthetics clinic teacher training must utilize a teacher curriculum that includes a minimum of 250 hours as follows:

1) 20 hours of Educational Psychology that shall include, but not be

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limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.

2) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom clinic management, student motivation and clinic climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods - Secondary Level at an accredited college or university.

3) 10 hours of Business Methods that include inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.

4) 200 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall supervise clinic students and present practical demonstrations to students in the clinic portion of the basic cosmetology curriculum.

b) The approved curriculum for a 250 hour Clinic Teacher Training Course shall be based upon 2 years of practical experience.

(Source: Amended at 23 Ill. Reg. 6-10-97, effective APR 30 1999)

## SUBPART J: NAIL TECHNOLOGY

## Section 1175.1005 Examination - Nail Technology Teacher or Nail Technology Clinic Teacher

a) Eligibility. Each applicant must meet the following requirements pursuant to Section 3C-3 of the Act prior to filing an application for the nail technology teacher examination:

- 1) Be at least 18 years of age;
- 2) Have graduated from high school or its equivalent;
- 3) Hold a current license as a cosmetologist or nail technician; and
- 4) For nail technology teacher, either:
  - A) Have completed 500 hours of teacher training in an approved cosmetology or nail technology school and have at least 2 years of full-time experience as a practicing nail technician; or
  - B) Have completed 625 hours of teacher training in a school of cosmetology approved in accordance with Section 1175.1105 or school of nail technology approved in accordance with Section 1175.1100; and



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- 5) For nail technology clinic teacher, have completed 250 hours of clinic teacher training in an approved cosmetology or nail technology school and have at least 2 years of practical experience within 5 years prior to application.
- b) Application. Each applicant shall file an application, on forms provided by the Department, at least 45 days prior to the examination date. The application shall include:

- 1) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if a different name appears on supporting documents;
- 2) The required fee set forth in Section 1175.1100;
- 3) For nail technology teacher, either ~~either~~:
  - A) An official transcript from an approved school of nail technology or cosmetology showing successful completion of 500 hours of teacher training as outlined in Section 1175.535 or 1175.1140 of this Part and 2 employment verification forms showing at least 2 years of full-time experience as a practicing nail technician; or
  - B) An official transcript from an approved school of nail technology or cosmetology, showing successful completion of 625 hours of teacher training as outlined in Section 1175.535 or 1175.1140 of this Part;

- 4) For nail technology clinic teacher, an official transcript from an approved school of nail technology or cosmetology showing successful completion of 250 hours of clinic teacher training as outlined in Section 1175.1141 of this Part and 2 employment verification forms showing at least 2 years of full-time experience as a practicing nail technician;

- 5) ~~14~~ A complete work history since graduation from a nail technology or cosmetology school;
- 6) ~~5~~ A copy of the applicant's current Illinois nail technology or cosmetology license; and

- 7) ~~16~~ If the applicant is licensed in another state, a certification of licensure from the state of original licensure and from the state in which the applicant predominantly practices and is currently licensed.

(Source: Amended APR 30 1999 23 Ill. Reg. 6760, effective 6760.)

## Section 1175.1010 Examination

- a) Examinations ~~A--separate--examination~~ shall be administered by the Department or its designated testing service for nail technicians, and nail technology teachers and nail technology clinic teachers, and shall cover subject matter as set forth in Section 3C-7 of the Act.
- b) The passing score on each examination is 75.
- c) Retakes for Nail Technicians

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- 1) An applicant who fails to pass a third examination for licensure as a nail technician must submit an official transcript from a cosmetology school approved to teach nail technology or a nail technology school approved by the Department showing successful completion of a 60 hour refresher course prior to taking the examination a fourth time.
- 2) An applicant upon failing the fourth examination must submit an official transcript from an approved nail technology or cosmetology school showing successful repetition of the entire course of nail technology training prior to taking the examination a fifth time.
- 3) For purposes of examination retakes, the fifth attempt shall count as the first.
- 4) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (c)(1) and (2) above.

d) Retakes for Nail Technology Teachers or Nail Technology Clinic Teachers

- 1) An applicant who fails to pass a third examination must submit an official transcript from a licensed cosmetology school approved to teach nail technology teachers or nail technology clinic teachers or a licensed nail technology school approved to teach nail technology showing successful completion of an 80 hour refresher course prior to taking the examination a fourth time.

- 2) An applicant, upon failing the fourth examination, must submit an official transcript from an approved nail technology or cosmetology school showing successful repetition of the entire course of ~~nail--~~technology teacher training prior to taking the examination a fifth time.

- 3) For purpose of examination retakes, the fifth attempt shall count as the first.

- 4) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (d)(1) and (2) of this Section.

(Source: Amended APR 30 1999 23 Ill. Reg. 6760, effective 6760.)

## Section 1175.1020 Endorsement

- a) An applicant currently licensed as a nail technician in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Department, which shall include:

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- 1) A certification from the jurisdiction of original licensure stating:
  - A) A brief description of any licensure examination taken and the scores received; and
  - B) Whether the applicant's file contains any record of disciplinary actions taken or pending;
- 2) Official transcripts from the school(s) attended by the applicant showing the courses completed and the hours received with the school seal affixed;
- 3) Certification of current licensure if other than original licensure;
- 4) A complete work history showing all employment since graduation from nail technology school to present;
- 5) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on attached documents;
- 6) The required fee set forth in Section 1175.100; and
- 7) Successful completion of the Illinois Nail Technician Licensure Examination. A copy of the licensing Act applicable on the date of original licensure--showing requirements for licensure--if requested--by--the--Department--in--the--application--review--The Department--shall--make--such--a--request--if--the--application--materials are--incomplete--

An applicant who has graduated from a nail technology program in another jurisdiction with less than 350 hours may acquire a maximum of 50 hours of nail technology training from a licensed Illinois cosmetology school.

- b) An applicant currently licensed as a nail technology teacher or nail technology clinic teacher in another jurisdiction and who is seeking licensure in Illinois as--a--nail--technician--teacher by endorsement shall file an application, on forms provided by the Department, which shall include:

- 1) a certification from the jurisdiction of original licensure stating:
  - A) A brief description of any licensure examination taken and the scores received; and
  - B) Whether the applicant's file contains any record of disciplinary actions taken or pending;
- 2) Official transcripts from the school(s) attended by the applicant showing the courses completed and the hours received with the school seal affixed;
- 3) Certification of current licensure if other than original licensure;
- 4) Either:
  - A) Two Verification of Employment forms submitted by the applicant who completed at least 500 hours of teacher training. A nail technology teacher applicant shall submit verification of 2 years of lawful practice as a nail

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- technician or cosmetologist; or
- B) Two Verification of Employment forms shall be submitted by the applicant who completed at least 250 hours of clinic teacher training. A nail technology clinic teacher applicant shall submit verification of 2 years of lawful practice as a nail technician or cosmetologist; or
- C) Two Verification of Employment forms shall be submitted by the applicant for a nail technology teacher or nail technology clinic teacher license who is applying on the basis of 3 years of lawful practice as a nail technology teacher in another jurisdiction;
- 5) 6) A complete work history showing all employment since graduation from basic nail technology school to present;
- 6) 7) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;
- 7) 8) The required fee set forth in Section 1175.100; and
- 8) 9) Successful completion of the Illinois Nail Technician Teacher Licensure Examination. A copy of the licensing Act applicable on the date of original licensure--showing requirements for licensure--if requested--by--the--Department--in--the--application--review--The Department--shall--make--such--a--request--if--the--application--materials are--incomplete--
- c) An applicant for licensure as a nail technician who is licensed in another jurisdiction shall be given 75 hours of educational credit for every 12 month period during which he/she was lawfully employed as a nail technician. To obtain credit for work experience, the applicant shall submit verification of employment in support of the work experience on forms provided by the Department. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.
- d) An applicant applying for licensure--as--a--nail--technician--or--nail technology--teacher--on--the--basis--of--endorsement--who--has--previously failed--the--licensing--examination--in--Illinois--shall--not--be--approved--for licensure--on--the--basis--of--endorsement--unless--and--until--he/she--provides verification--of--successful--completion--of--a--substantially--equivalent licensure--examination--and--fulfills--the--requirements--set--forth--in Section--1175.1010(c);--The--successful--completion--of--the--substantially equivalent--examination--and--fulfillment--of--applicable--regulation requirements--must--occur--after--the--most--recently--failed--examination attempt--in--Illinois;

(Source: Amended at 23 Ill. Reg. 00000000, effective APR 30 1999)

## Section 1175.1025 Renewals

- a) The first renewal period for licenses issued under Article 30--of--the

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Act--shall-be-October-31-1996- Every nail technician, nail technology teacher, nail technology clinic teacher and nail technology school license shall expire on October 31 of each even numbered year. b) The holder of a license may renew the license during the month preceding its expiration date.

b) Applicants for renewal as nail technicians shall:

- 1) Return a completed renewal application.
- 2) Nail Technician. Certify on the renewal application that they have successfully completed a minimum of 10 hours of continuing education from a nail technology continuing education sponsor registered with approved by the Department in accordance with Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license.

A) For the October 31, 1998, renewal, each individual who applies for renewal of a nail technician license, other than first-time renewal applicants, shall be required to complete 10 hours of continuing education in accordance with Subpart b.

B) A renewal applicant is not required to comply with continuing education requirements for the first renewal after issuance of the original license.

C) The Department may require additional evidence demonstrating compliance with the CE requirements (i.e., certificate of attendance or certificate of completion) if it is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.

3) Submit the required fee set forth in Section 1175.100.

d) Applicants for renewal as nail technology teachers shall:

1) Return a completed renewal application.

3) Nail Technology Teacher and Nail Technology Clinic Teacher. Certify on the renewal application that they have successfully completed a minimum of 20 hours of continuing education from a nail technology teacher continuing education sponsor registered with approved by the Department, in accordance Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license. A) For the October 31, 1998, renewal, each individual who applies for renewal of his/her nail technology teacher license, other than first-time renewal applicants, shall be required to complete 20 hours of continuing education in accordance with Subpart b. Ten of the hours shall be in the following areas: teaching methodology, educational psychology and classroom management or other subjects related to teaching.

A) Teaching Methodology.

B) Educational Psychology.

C) Classroom Management, or

D) Other teaching related courses.

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- B) A renewal applicant is not required to comply with continuing education requirements for the first renewal after issuance of the original license.
- C) The Department may require additional evidence demonstrating compliance with the continuing education requirements (i.e., certificate of attendance or certificate of completion) if it is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.

4) Submit the required fee set forth in Section 1175.100.

C) A renewal applicant is not required to comply with continuing education requirements for the first renewal after issuance of the original license.

d) The Department may require additional evidence demonstrating compliance with the continuing education requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.

e) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew a license.

f) Practicing or operating on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.

(Source: Amended at 23 Ill. Reg. 67.0027 effective APR 30 1999)

Section 1175.1035 Restoration - Nail Technology Teacher or Nail Technology Clinic Teacher

a) A person applying for restoration of a nail technology teacher or nail technology clinic teacher license that has been expired or been on inactive status for less than 5 years shall submit an application on forms provided by the Department. An applicant shall also submit and pay the required fee as set forth in Section 1175.100 and provide evidence of successful completion of 20 hours of continuing education in accordance with Sections 1175.1200 and 1175.1210 earned within 2 years immediately preceding the restoration and the required fee set forth in Section 1175.100 of this Part.

b) A person applying for restoration of a nail technology teacher or nail technology clinic teacher license that has been expired for 5 years or more shall submit an application on forms provided by the Department along with:

- 1) Verification of employment as a nail technology teacher or nail



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technology clinic teacher ~~7-attesting-to-lawful--nail--technology teaching--practice~~ in another jurisdiction within the 5 years preceding application for restoration;

- 2) Certification from the appropriate licensing authority in the jurisdiction in which lawful practice is claimed--~~An applicant for restoration--who--has--not--maintained--lawful--practice--as determined--by--the--laws--of--that--jurisdiction--in--another jurisdiction--shall--also--submit--official--transcripts--showing successful--completion--of--a--250--hour--nail--technology--teacher refresher--course--from--an--approved--cosmetology--or--nail--technology school--or--pass--the--teacher--examination--set--forth--in--Section 1175.1005--within--2--years--prior--to--or--within--2--years--after--the restoration--application--An--applicant--who--completes--this refresher--course--or--takes--the--examination--shall--not--also--be required--to--complete--20--hours--of--continuing--education;~~

- 3) A complete work history showing all employment since the Illinois license lapsed;
- 4) A completed Restoration Questionnaire;
- 5) Evidence of successful completion of 20 ~~40~~ hours of continuing education earned within the 2 years immediately preceding restoration; and

- 6) The required fee as set forth in Section 1175.100.

c) An applicant for restoration of a nail technology teacher license who has not maintained lawful practice (as determined by the laws of that jurisdiction) in another jurisdiction shall also submit official transcripts showing successful completion of a 125 hour nail technology teacher refresher course from an approved cosmetology or nail technology school or pass the teacher examination set forth in Section 1175.1010 within 2 years prior to or within 2 years after the restoration application. An applicant who completes this refresher course or takes the examination shall not also be required to complete 20 hours of continuing education.

d) An applicant for restoration of a nail technology clinic teacher license who has not maintained lawful practice (as determined by the laws of that jurisdiction) in another jurisdiction shall also submit official transcripts showing successful completion of a 60 hour nail technology clinic teacher refresher course from an approved cosmetology or nail technology school or pass the teacher examination set forth in Section 1175.1010 within 2 years prior to or within 2 years after the restoration application. An applicant who completes the refresher course or takes the examination shall not also be required to complete 20 hours of continuing education.

e) If restoring after active military service, the applicant shall submit a copy of his/her Honorable Discharge form (DD-214) and the current renewal fee.

f) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

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(Source: Amended at 23 Ill. Reg. 5-20-99, effective

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## SUBPART K: NAIL TECHNOLOGY SCHOOLS

## Section 1175.1141 Curriculum Requirements - Nail Technology Clinic Teacher

a) An approved school that intends to provide nail technology clinic teacher training must utilize a teacher curriculum that includes a minimum of 250 hours as follows:

- 1) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.

- 2) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom clinic management, student motivation and clinic climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods - Secondary Level at an accredited college or university.

- 3) 10 hours of Business Methods that include inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.

- 4) 200 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall supervise clinic students and present practical demonstrations to students in the clinic portion of the basic cosmetology curriculum.

- b) The approved curriculum for a 250 hour Clinic Teacher Training Course shall be based upon 2 years of practical experience.

(Source: Added at 23 Ill. Reg. 5-20-99, effective

## SUBPART L: CONTINUING EDUCATION

## Section 1175.1200 Sponsor Approval

- a) Sponsor, as used in this Section, shall mean accredited universities and colleges, industry or trade associations, corporate salons, franchise salons, independent salons, vocational and technical schools, cosmetology schools, and other entities (Section 4-1.5(a)) that have been approved and authorized by the Department to coordinate

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and present continuing education courses or programs for cosmetologists, cosmetology teachers, estheticians, esthetic teachers, nail technicians or nail technology teachers.

b) A continuing education sponsor application shall be filed with the Department to be approved as a continuing education sponsor. The application shall include:

- 1) A copy of the Certificate of Attendance which shall contain the following information:
  - A) The CE sponsor registration number, name and address;
  - B) Category of CE (cosmetology, nail technician, esthetics);
  - C) Name and license number of the participant;
  - D) Number of hours awarded; and
  - E) Course title and date of course.
- 2) A 3 hour CE course outline, including evidence of appropriate facilities, instructor qualifications and content of the course.
- 3) Name and address of the contact person responsible for all recordkeeping.
- 4) Certification that the sponsor will comply with all sponsor CE requirements set forth in this Subpart.
- 5) The required fee set forth in Section 4-1.5(c) {d} of the Act.

c) A CE sponsor shall provide CE courses and programs that are organized programs of formal learning that contribute directly to a licensee's knowledge and ability to perform duties as a licensee. No product sales shall be permitted during a continuing education program. (Product sales/setting is any activity that involves a deal sheet or invoice or mention of price(s) or special deals. Such activities are prohibited during the presentation of continuing education programs.) After the continuing education program is concluded and the certificates of attendance are distributed to the attendees, product sales shall be permitted. (Section 4-1.5(e)(2)) A continuing education program or course must meet the following minimum requirements:

- 1) Be developed and presented by persons with education, training and/or practical experience in the subject matter to be presented.
- 2) Include a student evaluation of both instructor and the course.
- 3) Specify the course objectives, content, prerequisites, requirements, the licensure category for which the CE applies and the number of CE hours to be earned. Such information shall be specified in all promotional materials.
- 4) Be in the following subject areas for cosmetologists, estheticians and nail technicians:
  - A) Advanced product chemistry and chemical interaction;
  - B) The use of machines and implements;
  - C) Sanitary procedures;
  - D) Hazardous chemicals;
  - E) Exposure minimization;
  - F) Updated use of implements as they relate to applicable

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services under this Act;

G) Advanced knowledge of the anatomy of the skin, scalp, hair and/or nails;

H) Human relations/communication skills; and

I) Management and marketing.

5) Be in the following subject areas for cosmetology, esthetics and nail technology teachers in addition to the areas set forth in subsection (c)(4) of this Section. (Cosmetology, esthetics and nail technology teachers are required to complete 10 of the 20 CE hours in these areas.)

- A) Teaching methodology;
  - B) Educational psychology; and
  - C) Classroom management.
- 6) Individual study courses (correspondence, audio or video courses) sponsored by an approved sponsor shall include an examination and a means of verification that the licensee has successfully completed such course. (See Section 1175.1210(e).)

d) All sponsors shall verify attendance at each CE course or program. A record of attendance shall be kept for no less than 5 years. Sponsors shall give each successful participant a record of completion at the end of the course or program. All records shall include the following information: name, address and license number for each participant, category of CE (cosmetology, nail technician, esthetics, teacher education), number of hours awarded, course title and date of course. Sponsors may delegate recordkeeping duties to one of their members or member groups. (Section 4-1.5(a))

e) CE sponsors shall be required to renew their approval every two years year upon submittal of the renewal application and the required fee. The first renewal shall be December 31, 1997.

f) All CE programs given on or after October 1, 1996, must be given by a sponsor who has been approved by the Department to provide continuing education.

g) All sponsors approved by the Department as of December 31, 1995, will be required to submit an application, the required fee and meet the current requirements set forth in this Part and the Act to continue to provide continuing education programs on or after October 1, 1996. An approved sponsor may subcontract with individuals and organizations to provide approved programs. These persons must meet the criteria established in Section 4-1.5(e)(1) and (2). (Section 4-1.5(j)) Any time the sponsor subcontracts with a presenter, all advertisements, promotional materials and the Certificate of Attendance will bear the name, address and registration number of the sponsor. The name of the subcontractor may appear as the "Presenter" but no document shall imply that the subcontractor is registered as a CE sponsor.

(Source: Amended APR 30 1999 at 23 Ill. Reg. 7740 7 effective 7740 7)

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## SUBPART M: SHOP REGISTRATION

**Section 1175.1300 Application for a Barber Shop or Cosmetology, Nail Technician or Esthetics Salon Certificate of Registration**

- a) Pursuant to Article IIID of the Act, all cosmetology, nail technician or esthetics salons and barber shops shall obtain a certificate of registration from the Department in order to operate in Illinois. A shop shall file an application with the Department, on forms supplied the Department. The application shall include the following:
- 1) Shop name, street and city address and telephone number;
  - 2) Shop owner's name, home address and home telephone number;
  - 3) If a partnership, a copy of the partnership agreement and all partners' home addresses and phone numbers; and
  - 4) If a corporation, a copy of the Articles of Incorporation as filed with the Illinois Secretary of State and a list of all corporate officers and managers.
- b) A separate certificate of registration is required for each shop location and a separate application shall be submitted to the Department.
- c) Change of Location. All registered shops/salons shall notify the Department of any change of address. The certificate of registration shall be returned to the Department and a new certificate of registration will be issued with the new address for a fee of \$20.
- d) Change of Ownership. When the ownership of the shop changes, the new owner shall be required to file a new application for a certificate of registration with the Department pursuant to Section 3D-5(c) of the Act.
- e) All certificates of registration shall expire on November 30 of even numbered years.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Adopted Action:  
148.82 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: April 30, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:  
December 18, 1998 (22 Ill. Reg. 21786)
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences Between Proposal and Final Version:

The following changes have been made in the text of the proposed rulemaking:

In subsection (b), the new text has been moved into subsection (b)(2) and reads: "Intestinal (small bowel or liver/small bowel) transplantation for children only (see subsection (d)(1)(H) of this Section)."

Existing subsections (b)(2) and (3) have been relabeled as subsections (b)(3) and (4) respectively.

In subsections (c)(1)(D) and (c)(4), "subsection" has been changed to "subsections".

In new subsection (d)(1)(Q)(vi), a parenthesis has been added after "vi".

In subsection (e)(4), the comma after "(d)(1)(f)" has been stricken.

In subsections (h)(1)(A), (h)(1)(B) and (h)(2), the three occurrences of "30 days of" have been changed to "30 days after"



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No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? Yes

| Sections | Proposed Action | Illinois Register Citation          |
|----------|-----------------|-------------------------------------|
| 148.140  | Amendment       | April 9, 1999 (23 Ill. Reg. 4176)   |
| 148.295  | Amendment       | April 9, 1999 (23 Ill. Reg. 4176)   |
| 148.297  | Amendment       | January 22, 1999 (23 Ill. Reg. 847) |

15) Summary and Purpose of Amendments:

Section 148.82 governing the Department's organ transplantation program is being revised to provide coverage under Medicaid for intestinal (small bowel or liver/small bowel) transplants for children. These amendments have been developed in response to inquiries received over the past several years from providers, legislators, families and other interested persons and groups concerning the Department's policies on intestinal transplantation.

Coverage for transplant procedures under the Illinois Medical Assistance Program is based upon criteria indicating a high probability of success for specific procedures. The Department has not previously established certification criteria for hospitals concerning intestinal transplants because the outcome data on such cases has not been promising. Department research shows that only a few hospitals (in Pennsylvania, Florida and Nebraska) have performed more than ten intestinal transplants. However, recent data regarding such transplants in children where certain immunosuppression techniques were employed show much higher levels of success and the results of a clinical trial initiated in June 1990 were published in the February 1998 issue of the *Journal of Pediatric Surgery*.

The Department has analyzed the new data and conducted research regarding policies on small bowel transplant services in 12 other state Medicaid programs to establish certification criteria for intestinal transplant centers. This certification criteria pertains only to procedures for children since the survival rates for adults continue to remain low. The Department's intent to cover small bowel or liver/small bowel transplantation procedures for children, and the relevant hospital certification criteria that have been developed, have been approved by the State Medical Advisory Committee.

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The Department is unable to project the budgetary impact of these proposed changes concerning intestinal transplantation because the extent of the need for such services is unknown at this time.

16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763  
Telephone: (217) 524-0081

The full text of the adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES

CHAPTER 1: DEPARTMENT OF PUBLIC AID

SUBCHAPTER 6: MEDICAL PROGRAMS

PART 148

HOSPITAL SERVICES

|         |   |
|---------|---|
| Section | Hospital Services   |
| 148.10  | Participation   |
| 148.20  | Definitions and Applicability   |
| 148.25  | General Requirements  |
| 148.30  | Special Requirements  |
| 148.40  | Covered Hospital Services   |
| 148.50  | Services Not Covered as Hospital Services   |
| 148.60  | Limitation On Hospital Services   |
| 148.70  | Organ Transplants Services Covered Under Medicaid (Repealed)  |
| 148.80  | Organ Transplant Services   |
| 148.82  | Heart Transplants (Repealed)  |
| 148.90  | Liver Transplants (Repealed)  |
| 148.100 | Bone Marrow Transplants (Repealed)  |
| 148.110 | Disproportionate Share Hospital (DSH) Adjustments   |
| 148.120 | Outlier Adjustments for Exceptionally Costly Stays  |
| 148.130 | Hospital Outpatient and Clinic Services   |
| 148.140 | Public Law 103-66 Requirements  |
| 148.150 | Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million          |
| 148.160 | Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act                             |
| 148.170 | Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act           |
| 148.175 | Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting |
| 148.180 | Copayments  |
| 148.190 | Alternate Reimbursement Systems   |
| 148.200 | Filing Cost Reports   |
| 148.210 | Pre September 1, 1991 Admissions  |
| 148.220 | Admissions Occurring on or after September 1, 1991  |
| 148.230 | Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements                       |
| 148.240 | Determination of Alternate Payment Rates to Certain Exempt Hospitals  |
| 148.250 | Calculation and Definitions of Inpatient Per Diem Rates   |
| 148.260 | Determination of Alternate Cost Per Diem Rates for All Hospitals:   |
| 148.270 | Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals                        |
| 148.280 | Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements              |
| 148.285 | Excellence in Academic Medicine Payments  |

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|         |   |
|---------|---|
| 148.290 | Adjustments and Reductions to Total Payments                                |
| 148.295 | Critical Hospital Adjustment Payment (CHAP)                                 |
| 148.296 | Supplemental Critical Hospital Adjustment Payments (SCHAP)                  |
| 148.297 | Pediatric Outpatient Adjustment Payments                                    |
| 148.298 | Pediatric Inpatient Adjustment Payments                                     |
| 148.300 | Payment   |
| 148.310 | Review Procedure  |
| 148.320 | Alternatives  |
| 148.330 | Exemptions  |
| 148.340 | Subacute Alcoholism and Substance Abuse Treatment Services                  |
| 148.350 | Definitions   |
| 148.360 | Types of Subacute Alcoholism and Substance Abuse Treatment Services         |
| 148.368 | Volume Adjustment (Repealed)  |
| 148.370 | Payment for Subacute Alcoholism and Substance Abuse Treatment Services      |
| 148.380 | Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services |
| 148.390 | Hearings  |
| 148.400 | Special Hospital Reporting Requirements                                     |

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended

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at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amendment at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 6184, effective APR 30 1999.

## Section 148.82 Organ Transplant Services

## a) Introduction

The Department of Public Aid will cover organ transplants as identified under subsection (b) below which are provided by certified organ transplant centers which meet the requirements specified in subsections (c) through (h) of this Section.

## b) Covered Services

- 1) Bone marrow, heart, heart/lung, lung (single or double), liver, pancreas or kidney/pancreas transplantation.
- 2) Intestinal (small bowel or liver/small bowel) transplantation for children only (see subsection (d)(1)(H) of this Section).
- 3) Other types of transplant procedures may be covered when a hospital has been certified by the Department as a transplant center eligible to perform such transplants. Centers must

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complete the certification process established in subsection (c) below and provide the necessary documentation of the number of transplant procedures performed and the survival rates.

## 4) Medically necessary work-up.

## c) Certification Process

1) In order to be certified to receive reimbursement for transplants performed on Medicaid patients, the hospital must:

- A) Request an application from the Bureau of Comprehensive Health Services;
- B) Submit a completed application to the Department for the type of transplant for which the center is seeking certification;
- C) Meet certification criteria established in subsection (d) below, based upon review and recommendation of each application by the State Medical Advisory Committee (SMAC); and
- D) Submit a detailed status report on each patient for the type of transplant for which the hospital is seeking certification. Such reports must include the patient's diagnosis, date of transplant, the length of hospitalization, charges, survival rates, patient-specific transplant outcome, and complications (including cause of death, if applicable) for all transplants performed in the time frames required for the type of transplant indicated in subsections (d)(1)(C), (D), (E), (F), (G), or (H) of this Section. To protect the privacy of patients included in this report, names of non-Medicaid patients are not required.

2) The Department shall notify the hospital of approval or denial of the hospital as a transplant center for Medicaid eligible patients.

3) In the event that no hospital formally certified by the Department is able to provide a covered service set forth in subsection (b) above within the time frame necessary to preserve the recipient's health, the Department shall review a request for prior approval of the service from a non-certified facility, and if the facility satisfies the criteria for certification, approve the request on an individual case basis.

4) A joint application combining the statistical data for the adult and pediatric programs from two affiliated hospitals that share the same surgeons may be submitted for review by the State Medical Advisory Committee. The hospitals must meet the criteria under subsections (d)(1)(A), (B), (C), (D), (E), (F), (G), (H), (L), (M), (N), (O), and (P), the applicable criteria under subsections (d)(1)(C), (D) or (I) and (d)(1)(Q), subsections (d)(2), (3) and (4), and subsection (e) of this Section for certification and recertification.

## d) Certification Criteria



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- 1) Hospitals seeking certification as a transplant center shall submit documentation to verify that:
- A) The hospital is capable of providing all necessary medical care required by the transplant patient;
  - B) The hospital is affiliated with an academic health center;
  - C) The hospital has had the transplant program for heart and liver transplants in operation for at least three years with 12 transplant procedures per year for the past two years and 12 cases in the three year period preceding the most current two year period for adult heart and liver transplants;
  - D) The hospital has had the transplant program for heart/lung and lung transplants in operation for at least three years with ten transplant procedures per year for the past two years and ten cases in the three year period preceding the most current two year period for adult heart/lung and lung transplants;
  - E) A hospital specializing in pediatric heart/lung and lung transplants has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures in the three year period preceding the most current two year period;
  - F) The hospital has had the transplant program for adult and pediatric bone marrow transplants in operation for at least two years with 12 transplant procedures per year for the past two years;
  - G) A hospital specializing in pediatric heart or liver transplants, or both, has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures in the three year period preceding the most current two year period;
  - H) A hospital specializing in pediatric intestinal (small bowel or liver/small bowel) transplants has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures in the three year period preceding the most current two year period;
  - I) A hospital specializing in kidney/pancreas and/or pancreas transplants has had the transplant program in operation for at least three years with 25 kidney transplant procedures per year for the past two years and 25 cases in the three year period preceding the most current two year period, and five pancreas transplant procedures per year for the past two years and five in the three year period preceding the most current two year period, or 12 kidney/pancreas transplant procedures per year for the past two years and 12 in the three year period preceding the most current two year

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- period;
- J) The hospital has experts, on staff, in the fields of cardiology, pulmonology, anesthesiology, immunology, infectious disease, nursing, social services, organ procurement, associated surgery and internal medicine to complement the transplant team. In addition, in order to qualify as a transplant center for pediatric patients, the hospital must also have experts in the field of pediatrics;
  - K) The hospital has an active cardiovascular medical and surgical program as evidenced by the number of cardiac catheterizations, coronary arteriograms and open heart procedures per year for heart and heart/lung transplant candidates;
  - L) The hospital has pathology resources that are available for studying and reporting the pathological responses for transplantation as supported by appropriate documentation;
  - M) The hospital complies with applicable State and Federal laws and regulations;
  - N) The hospital participates in a recognized national donor procurement program for organs or bone marrow provided by unrelated donors, abides by its rules, and provides the Department with the name of the national organization of which it is a member;
  - O) The hospital has an interdisciplinary body to determine the suitability of candidates for transplantation as supported by appropriate documentation;
  - P) The hospital has blood bank support necessary to meet the demands of a certified transplant center as supported by appropriate documentation; and
  - Q) The hospital meets the applicable transplant survival rates as supported by the Kaplan-Meier method or other method accepted by the Department:
    - i) A one-year survival rate of 50 percent for bone marrow transplant patients;
    - ii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for heart transplant patients;
    - iii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for liver transplant patients;
    - iv) A one-year survival rate of 90 percent for kidney transplant and a one-year survival rate of 80 percent for pancreas transplant; or a one-year survival rate of 80 percent for kidney/pancreas transplant patients;
    - v) A one-year survival rate of 65 percent and a two-year survival rate of 60 percent for heart/lung and lung (single or double) transplant patients; -
    - vi) A one-year survival rate of 60 percent and a two-year

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survival rate of 55 percent for intestinal transplants (small bowel or liver/small bowel).

- 2) The commitment of the hospital to support the transplant center must be at all levels as evidenced by such factors as financial resources, allocation of space and the support of the professional staff for the transplant program and its patients. The hospital must submit appropriate documentation to demonstrate that:

- A) Component teams are integrated into a comprehensive transplant team with clearly defined leadership and responsibility;
  - B) The hospital safeguards the rights and privacy of patients;
  - C) The hospital has adequate patient management plans and protocols to meet the patient and hospital's needs.
- 3) The hospital must identify, in writing, the director of the transplant program and the members of the team as well as their qualifications. Physician team members must be identified as board certified, in preparation for board certification, or pending board certification, and the transplant coordinator's name must be submitted.
  - 4) The hospital must provide patient selection criteria including indications and contraindications for the type of transplant procedure for which the facility is seeking certification.

## e) Recertification Process/Criteria

- 1) The Department will conduct an annual review for certification of transplant centers. A certified center must submit documentation established under subsections (c), (d), (f) and (h) of this Section for review by the Department's State Medical Advisory Committee for recertification as a transplant center.
  - 2) Survival rates of previous transplant patients must be documented prior to certification. The center must maintain patient volume in the year of certification based on previous transplant statistics.
  - 3) The Department shall notify the hospital of approval or denial of the recertification of the hospital as a transplant center.
  - 4) If the hospital has previously met the requirements for certification or recertification of its program under subsections (d)(1), (f)(7)(J), (K), (L), (M), (N), (O), (P) and (d)(2), (3) and (4) of this Section and the program has experienced no changes under the above subsections, as evidenced in written documentation on the hospital's application, the hospital will not be required to resubmit the same data.
- f) Notification of Transplant
    - 1) The hospital must notify the Department prior to performance of the transplant procedure. The notification letter must be from a physician on the transplant team.
    - 2) The notification must include the admission diagnosis and pre-transplant diagnosis.

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- 3) The Department shall notify the hospital regarding receipt of the notification and provide the appropriate outcome summary forms to the hospital.

## g) Reimbursement

- 1) Hospital services rendered for transplant procedures under this Section are exempt from the provisions of Sections 148.250 through 148.330 and 89 Ill. Adm. Code 149 of the Department's administrative rules governing hospital reimbursement. Hospital reimbursement for transplants covered within this Section is an all-inclusive rate for the admission, regardless of the number of days of care associated with that admission, which is limited to a maximum of 60 percent of the hospital's usual and customary charges to the general public for the same procedure for a maximum the number of days listed below for specific types of transplants:

- A) ~~A maximum~~ 30 consecutive days of post-operative inpatient care for heart, heart/lung, lung (single or double), pancreas, or kidney/pancreas transplant; or
- B) 40 consecutive days of post-operative inpatient care for liver transplant; or
- C) 50 consecutive days of post-operative inpatient care for bone marrow transplant; or
- D) 70 consecutive days of post-operative inpatient care for intestinal (small bowel or liver/small bowel) transplants;

## OR

- E) ~~For those transplants covered under subsection (b)(2) of this Section, the number of consecutive days of inpatient care specified within the transplant certification process.~~
- 2) Reimbursement will be approved only when the Department's letter acknowledging the notification of the transplant procedure is attached to the hospital's claim. Reimbursement will not be made until the discharge summary has been submitted to the Department.
- 3) Applicable disproportionate share payment adjustments shall be made in accordance with Section 148.120(g). Applicable outlier adjustments shall be made in accordance with Section 148.130. Applicable Medicaid High Volume adjustments shall be made in accordance with Section 148.290(d).
- 4) The rate will not include transportation and physician fees when reimbursed pursuant to 89 Ill. Adm. Code 140.410 through 140.414 and 140.490 through 140.492, respectively.
- 5) Hospital reimbursement for bone marrow searches is limited to 60 percent of charges up to a maximum of \$25,000. Payment for bone marrow searches will only be made to the certified center requesting reimbursement for the bone marrow transplant.
- 6) Reimbursement for stem cell acquisition charges which includes the mobilization, chemotherapy, cytokines and apheresis processes must be billed under the appropriate revenue code on the claim submitted for the transplant procedure.

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- h) Reporting Requirements of Certified Transplant Center  
The following documentation must be submitted within the time limits set forth in this subsection.
- 1) Outcome Summary Patient Tracking
    - A) The discharge summary for each Medicaid patient must be received by the Department within 30 days after of the patient's discharge.
    - B) For those Medicaid patients who expire, a summary must be received by the Department within 30 days after of the patient's death.
  - 2) Notification of Changes  
The center must notify the Department within 30 days after of any changes in its program, including, but not limited to, certification criteria, patient selection criteria, members of the transplant team and the coordinator.

(Source: Amended at 23 Ill. Reg. 5784, effective APR 30 1999)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:  
140.463 Amended
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: April 30, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 18, 1998 (22 Ill. Reg. 21798)
- 10) Has JCAR issued a statement of objections to these adopted amendments? No
- 11) Differences Between Proposal and Final Version: No changes have been made to this rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?  
Yes
- 14) Are there any other amendments pending on this Part? Yes

| Sections | Proposed Action | Illinois Register Citation             |
|----------|-----------------|--|
| 140.430  | Amendment       | November 10, 1998 (22 Ill. Reg. 20511) |
| 140.431  | Amendment       | November 10, 1998 (22 Ill. Reg. 20511) |
| 140.432  | Amendment       | November 10, 1998 (22 Ill. Reg. 20511) |
| 140.433  | Amendment       | November 10, 1998 (22 Ill. Reg. 20511) |
| 140.434  | Amendment       | November 10, 1998 (22 Ill. Reg. 20511) |
| 140.438  | Amendment       | November 10, 1998 (22 Ill. Reg. 20511) |
| 140.461  | Amendment       | January 4, 1999 (23 Ill. Reg. 128)     |
| 140.462  | Amendment       | January 4, 1999 (23 Ill. Reg. 128)     |
| 140.463  | Amendment       | April 9, 1999 (23 Ill. Reg. 4203)      |
| 140.466  | Amendment       | April 9, 1999 (23 Ill. Reg. 4203)      |
| 140.467  | Amendment       | November 10, 1998 (22 Ill. Reg. 20511) |



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140.560 Amendment November 10, 1998 (22 Ill. Reg. 20511)

15) Summary and Purpose of Amendments: These amendments are being filed pursuant to Section 4712 of the federal Balanced Budget Act of 1997 and are intended to provide payment adjustments for Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs). In order to comply with this federal mandate, Department staff and representatives from FQHCs and RHCs worked together in a committee to reach a consensus regarding an acceptable methodology for the payment adjustment calculations. These payment adjustments were to have taken effect October 1997 under the federal mandate, but implementation was delayed during the period of methodology development. The amendments will now serve to expedite back payment adjustments and establish the payment adjustment program as required by the federal legislation. These changes are expected to result in a budgetary increase of \$2.9 million

16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763  
(217) 524-0081

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

140.1 Incorporation By Reference  
140.2 Medical Assistance Programs  
140.3 Covered Services Under Medical Assistance Programs  
140.4 Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed)  
140.5 Covered Medical Services Under General Assistance  
140.6 Medical Services Not Covered  
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight  
140.8 Medical Assistance For Qualified Severely Impaired Individuals  
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
140.10 Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

140.11 Enrollment Conditions for Medical Providers  
140.12 Participation Requirements for Medical Providers  
140.13 Definitions  
140.14 Denial of Application to Participate in the Medical Assistance Program  
140.15 Recovery of Money  
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.18 Effect of Termination on Individuals Associated with Vendor  
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring  
140.20 Submittal of Claims  
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)  
140.22 Magnetic Tape Billings  
140.23 Payment of Claims  
140.24 Payment Procedures  
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140.27 Assignment of Vendor Payments  
 140.28 Record Requirements for Medical Providers  
 140.30 Audits  
 140.31 Emergency Services Audits  
 140.32 Prohibition on Participation, and Special Permission for Participation  
 140.33 Publication of List of Terminated, Suspended or Barred Entities  
 140.35 False Reporting and Other Fraudulent Activities  
 140.40 Prior Approval for Medical Services or Items  
 140.41 Prior Approval in Cases of Emergency  
 140.42 Limitation on Prior Approval  
 140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained  
 140.55 Recipient Eligibility Verification (REV) System  
 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice  
 140.72 Voucher Advance Payment and Expedited Payments  
 140.73 Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

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 140.80 Hospital Provider Fund  
 140.82 Developmentally Disabled Care Provider Fund  
 140.84 Long Term Care Provider Fund  
 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund  
 140.95 Hospital Services Trust Fund  
 140.96 General Requirements (Recodified)  
 140.97 Special Requirements (Recodified)  
 140.98 Covered Hospital Services (Recodified)  
 140.99 Hospital Services Not Covered (Recodified)  
 140.100 Limitation On Hospital Services (Recodified)  
 140.101 Transplants (Recodified)  
 140.102 Heart Transplants (Recodified)  
 140.103 Liver Transplants (Recodified)  
 140.104 Bone Marrow Transplants (Recodified)  
 140.110 Disproportionate Share Hospital Adjustments (Recodified)  
 140.116 Payment for Inpatient Services for GA (Recodified)  
 140.117 Hospital Outpatient and Clinic Services (Recodified)  
 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)  
 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)  
 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)  
 140.203 Limits on Length of Stay by Diagnosis (Recodified)  
 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)  
 140.350 Copayments (Recodified)  
 140.360 Payment Methodology (Recodified)

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140.361 Non-Participating Hospitals (Recodified)  
 140.362 Pre July 1, 1989 Services (Recodified)  
 140.363 Post June 30, 1989 Services (Recodified)  
 140.364 Prepayment Review (Recodified)  
 140.365 Base Year Costs (Recodified)  
 140.366 Restructuring Adjustment (Recodified)  
 140.367 Inflation Adjustment (Recodified)  
 140.368 Volume Adjustment (Repealed)  
 140.369 Groupings (Recodified)  
 140.370 Rate Calculation (Recodified)  
 140.371 Payment (Recodified)  
 140.372 Review Procedure (Recodified)  
 140.373 Utilization (Repealed)  
 140.374 Alternatives (Recodified)  
 140.375 Exemptions (Recodified)  
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)  
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.391 Definitions (Recodified)  
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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 140.400 Payment to Practitioners, Nurses and Laboratories  
 140.410 Physicians' Services  
 140.411 Covered Services By Physicians  
 140.412 Services Not Covered By Physicians  
 140.413 Limitation on Physician Services  
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians  
 140.416 Optometric Services and Materials  
 140.417 Limitations on Optometric Services  
 140.418 Department of Corrections Laboratory  
 140.420 Dental Services  
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 140.422 Requirements for Prescriptions and Dispensing Items - Dentists  
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 140.428 Chiropractic Services

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140.429 Limitations on Chiropractic Services (Repealed)  
 140.430 Independent Laboratory Services  
 140.431 Services Not Covered by Independent Laboratory  
 140.432 Limitations on Independent Laboratory Services  
 140.433 Payment for Laboratory Services  
 140.434 Record Requirements for Independent Laboratories  
 140.435 Nurse Services  
 140.436 Limitations on Nurse Services  
 140.440 Pharmacy Services  
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 140.443 Filling of Prescriptions  
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 140.446 Over-the-Counter Items  
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 140.453 Definitions  
 140.454 Types of Mental Health Clinic Services  
 140.455 Payment for Mental Health Clinic Services  
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 140.457 Therapy Services  
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 140.459 Payment for Therapy Services  
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 140.462 Covered Services in Clinics  
 140.463 Clinic Service Payment  
 140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)  
 140.465 Speech and Hearing Clinics (Repealed)  
 140.466 Rural Health Clinics  
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 140.469 Hospice  
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 140.503 Cessation of Payment for Improper Level of Care  
 140.504 Cessation of Payment Because of Termination of Facility  
 140.505 Continuation of Payment Because of Threat To Life (Repealed)  
 140.506 Provider Voluntary Withdrawal  
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| 140.850 | Definition of Terms (Repealed)  |
| 140.855 | Covered Services (Repealed)   |
| 140.860 | Sponsor Qualifications (Repealed)   |
| 140.865 | Sponsor Responsibilities (Repealed)   |
| 140.870 | Department Responsibilities (Repealed)  |
| 140.875 | Provider Qualifications (Repealed)  |
| 140.880 | Provider Responsibilities (Repealed)  |
| 140.885 | Payment Methodology (Repealed)  |
| 140.890 | Contract Monitoring (Repealed)  |
| 140.895 | Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Recodified) |
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| 140.901 | Functional Areas of Needs (Recodified)  |
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140.907 Midnight Census Report (Recodified)  
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 140.942 Definition of Terms (Recodified)  
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 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)  
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 140.956 Payments to Contracting Hospitals (Recodified)  
 140.958 Admitting and Clinical Privileges (Recodified)  
 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)  
 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)  
 140.964 Contract Monitoring (Recodified)  
 140.966 Transfer of Recipients (Recodified)  
 140.968 Validity of Contracts (Recodified)  
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TABLE A Medicare Recommended Screening Procedures (Repealed)  
 TABLE B Geographic Areas  
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TABLE F Podiatry Service Schedule  
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 TABLE M Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21677, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days;

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Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 33241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 19588, effective



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October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993;

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amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 5768, effective

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SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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## Section 140.463 Clinic Service Payment

- a) Hospital-Based Organized Clinics
- 1) With respect to those hospital-based organized clinics that qualify as Maternal and Child Health clinics, as described in Section 140.461(f)(1), payment shall be in accordance with Section 140.930.
  - 2) With respect to all other hospital-based organized clinics, payment shall be in accordance with 89 Ill. Adm. Code 148.140.
- b) Encounter Rate Clinics
- 1) For encounter rate clinics providing comprehensive health care for women and infants or encounter rate clinics operated by a county with a population of over three million, payment shall be made at the lesser of:
    - A) \$50 per encounter; or
    - B) The clinic's charge to the general public.
  - 2) For all other encounter rate clinics, payment shall be made at the lesser of:
    - A) The clinic's approved all inclusive interim per encounter rate as of May 1, 1981;
    - B) \$50 per encounter; or
    - C) The clinic's charge to the general public.
- c) Federally Qualified Health Centers (FQHC)
- 1) Medical Encounter Rate
    - A) Payment for services rendered after March 31, 1990, shall be made at an individual, all inclusive, prospective per diem rate calculated on the basis of the Department's encounter rate methodology and audited provider fiscal information reported on the Medicaid Freestanding Federally-Funded Health Center Worksheet (Health Care Financing Administration Form 242), as supplemented by FQHC Medicaid Supplemental Schedules A, B and C reflecting the actual costs of delivering encounter services as listed in Section 140.462(d)(2).
    - B) All cost reports will be audited by the Department to determine allowable costs for rate setting. The provider will be advised of any adjustments resulting from these audits.
    - C) New rates effective each July 1 will be based on certified cost information from the provider's most recently audited fiscal year.
    - D) Allowable costs will be updated to the midpoint of the rate year by an inflation factor derived from published economic indices.
    - E) Interim payment for covered services rendered by FQHCs enrolled as of March 31, 1990, for which no audited costs are available shall be made at the individual FQHC rate in effect on March 31, 1990, as established by the Department.

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- F) Interim payment for covered services rendered by FQHCs enrolled between March 31, 1990, and January 1, 1991, shall be made at the higher of:
- i) the provider's approved Medicare rate established by the designated federal intermediary for Rural Health Center or Federally Funded Health Center Services; or
  - ii) the 75th percentile of the statewide range of the Department's established encounter clinic rates (as defined in subsection (a) of this Section above) as of March 31, 1990.
- G) Payment shall be made at the interim rate to FQHCs enrolled before January 1, 1991, for covered services rendered from the later of the date of enrollment or April 1, 1990, until the certified date of provider receipt of the cost-based rate established by the Department for that provider.
- H) When an individual cost-based rate has been established by the Department in accordance with the method described in subsection (c)(1)(A) of this Section above, the Department shall reconcile interim payments made for covered services.
- i) Rate retroactivity from April 1, 1990, will only apply to clinics enrolled as of March 31, 1990, which submit an application to the Public Health Service for Federally Qualified Health Center status by November 1, 1990, and are subsequently designated as federally qualified.
  - ii) If the cost-based rate is higher than the interim rate, the Department shall pay the provider the rate differential for each claim paid at the interim rate.
  - iii) If the cost-based rate is lower than the interim rate, the provider shall refund to the Department the rate differential for each claim paid at the interim rate, either by direct payment to the Department or as a credit applied against future service claims.
- I) Interim payment for covered services rendered by FQHCs enrolled on or after January 1, 1991, shall be made at the higher of:
- i) the provider's approved Medicare rate established by the designated federal intermediary for Rural Health Centers and Federally Funded Health Centers Services; or
  - ii) the median of the statewide range of the Department's established cost-based FQHC rates in effect at the time of enrollment.
- J) Payment shall be made at the interim rate for Centers enrolled on or after January 1, 1991, for covered services rendered between the date of enrollment and 30 days after the date of Department receipt of the complete and correct cost report of the provider. Payment for covered medical



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services rendered by the provider 30 days after Department receipt of the provider's complete and correct cost report will be made at the rate determined on the basis of the submitted cost report and the Department's FQHC rate methodology.

K) If the FQHC has not submitted the required audited fiscal information on the forms specified in subsection (c)(1)(A) of this Section within 90 days after the certified date of receipt of the forms, the Department shall suspend payment for covered medical services until the required information is received by the Department, unless the enrolled Center has been in operation less than one year and has no audited cost history.

L) Enrolled FQHCs which have been in operation less than one year and have no audited cost history must submit required audited fiscal information reflecting the first six months of operation on the forms specified in subsection (c)(1)(A) of this Section, within 90 days after the later of the end of the sixth month of operation or the certified mail date of receipt of the forms. The rate calculated from these costs will be in effect for services rendered on and after the first day of the month following the month of receipt of the required fiscal information by the Department.

M) The Department will not process a claim for payment of FQHC services rendered after June 30, 1990, that does not indicate all individual medical services delivered during the encounter, by procedure code.

## 2) Dental Encounter Rate

A) Payment for dental services rendered after March 31, 1990, shall be made at an individual, all inclusive, prospective per diem rate calculated on the basis of the Department's encounter rate methodology and audited provider fiscal information reported on the Medicaid Freestanding Federally-Funded Health Center Worksheet (Health Care Financing Administration Form 242), as supplemented by FQHC Medicaid supplemental Schedules A, B, and C reflecting the actual costs of delivering dental services.

B) Direct costs related to operation of the clinic in order to provide allowable dental services will be reported on the cost report and used in the rate calculation process.

C) All cost reports will be audited by the Department to determine allowable costs for rate setting. The provider will be advised of any adjustments resulting from these audits.

D) New rates effective each July 1 will be based on certified cost information from the provider's most recently audited fiscal year.

E) Allowable costs will be updated to the mid point of the rate

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year by an inflation factor derived from published economic indices.

F) Payment for covered dental services shall be made by the Department's prepaid dental service contractor.

G) When an individual cost-based rate has been established by the Department in accordance with the method described in subsection (c)(2)(A) of this Section above, the Department's prepaid dental service contractor shall reconcile interim payments made for covered dental services.

i) Rate retroactivity will only apply to clinics enrolled as of March 31, 1990, that submit an application to the Public Health Service for Federally Qualified Health Center status by November 1, 1990, and are subsequently designated as federally qualified.

ii) If the cost-based rate is higher than the interim rate, the Department's prepaid dental service contractor shall pay the provider the rate differential for each claim paid at the interim rate.

iii) If the cost-based rate is lower than the interim rate, the provider shall refund to the Department the rate differential for each claim paid at the interim rate.

H) Interim payment for covered dental services rendered by FQHCs enrolled on or after January 1, 1991, shall be made at the median of the statewide range of the Department's established cost-based FQHC dental rates in effect at the time of enrollment.

I) Payment shall be made at the interim rate for Centers enrolled on or after January 1, 1991, for covered dental services rendered between the date of enrollment and 30 days after the date of the Department receipt of the complete and correct cost report of the provider. Payment for covered dental services rendered by the provider after 30 days following Department receipt of the provider's complete and correct cost report will be made at the rate determined on the basis of the submitted cost report and the Department's FQHC rate.

J) If the FQHC has not submitted the required audited fiscal information on the forms specified in subsection (c)(2)(A) of this Section above within 90 days after the certified mail date of receipt of the forms, the Department's prepaid dental service contractor shall suspend payment for covered dental services until the required information is received by the Department, unless the enrolled Center has been in operation less than one year and has no audited cost history.

K) Enrolled FQHCs which have been in operation less than one year and have no audited cost history must submit required audited fiscal information reflecting the first six months



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of operation on the forms specified in subsection (c)(2)(A) of this Section above within 90 days after the later of the end of the sixth month of operation or the certified date of receipt of the forms. The rate calculated from these costs will be in effect for dental services rendered on and after the first day of the month following the month of receipt of the required fiscal information by the Department.

## 3) Rate Appeals Process

A) All appeals of audit adjustments or rate determinations must be submitted in writing to the Department. Appeals submitted within 30 calendar days after the rate notification, if upheld, shall be made effective as of the beginning of the rate year. The effective date of all other upheld appeals shall be the first day of the month following the date the completed appeal was submitted. Appeals for any rate year must be filed before the close of the rate year.

B) To be accepted for review, the written appeal shall include:

- i) The current approved reimbursement rate, allowable costs, and the additional reimbursable costs sought through the appeal;
  - ii) A clear, concise statement of the basis for the appeal;
  - iii) A detailed statement of financial, statistical, and related information in support of the appeal, indicating the relationship between the additional reimbursable costs as submitted and the circumstances creating the need for increased reimbursement;
  - iv) A citation to any mandated or contractual requirement pertinent to the appeal; and
  - v) A statement by the provider's chief executive officer or financial officer that the application of the rate appeal and information contained in the vendor's reports, schedules, budgets, books, and records submitted are true and accurate.
- C) Rate appeals may be considered for the following reasons:
- i) Mechanical or clerical errors committed by the provider in reporting historical expenses used in the calculation of allowable costs.
  - ii) Mechanical or clerical errors committed by the Department in auditing historical expenses as reported and/or in calculating reimbursement rates.
  - iii) The Department and the provider have entered into a written agreement to amend, alter, or modify substantive programmatic or management procedures attendant to the delivery of services, which have a substantial impact upon the costs of service delivery.
  - iv) Substantial treatment service charges are required as

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a result of mandated regulatory charges.

v) Substantial changes in the physical plant are required as a result of mandated licensure requirements. In such instances, the provider must submit a plan of corrections for capital improvements approved by the licensing authority, along with the required cost information.

vi) State and/or Federal regulatory requirements have generated a substantial increase in allowable costs.

D) The Department shall rule on all appeals within 120 calendar days after receipt of the appeal except that, if additional information is required from the facility, the period shall be extended until such time as the information is provided.

E) Appeals shall be submitted to the Department's Bureau of Comprehensive Health Services, 201 South Grand Avenue East, Concourse, Springfield, Illinois 62763.

d) Maternal and Child Health Clinics. Payment shall be made in accordance with Section 140.930.

e) Transitional Payments for EOHCS and Certain Encounter Rate Clinics

1) Certain clinics will be eligible to receive monthly transitional payments for managing the health care needs of certain clients under their care beginning December 1996. Certain clinics will be eligible to receive transitional payments for the month of December 1996, and monthly thereafter, under the conditions described in this subsection. To receive monthly transitional payments, clinics must:

- A) be either:
    - i) a Federally Qualified Health Center, as defined in Section 140.462(d), or
    - ii) an Encounter Rate Clinic, as defined in Section 140.462(b), that has provided comprehensive health services to Medicaid clients prior to December 1996;
  - B) have a signed transitional payment contract with the Department; and
  - C) have a contract with a Health Maintenance Organization (HMO) or Prepaid Health Plan (PHP) that has a contract to provide comprehensive health services, or, upon the implementation of Medicaid Plus, have a contract with a Managed Care Entity of Medicaid Plus, when Medicaid Plus is implemented, HMOs, PHPs or (MCE). When Medicaid Plus is implemented, HMOs, PHPs or Managed Care Community Networks (MCCNs) may serve as MCEs (see 89 Ill. Adm. Code 142.110 for definition of terms).
- 2) Transitional payments to a clinic will consist of a per member per month payment for any Illinois Medicaid client enrolled with an HMO or PHP or, upon the implementation of Medicaid Plus, an MCE, for whom the clinic was their assigned care provider on the last day of the month.
- 3) For the first six months covered under a transitional payment contract, the Department will make transitional payments for any

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number of Medicaid clients enrolled with an HMO, PHP or MCCN and assigned to the qualifying clinic as their primary care site. Thereafter, qualified clinics will receive transitional payments for a given month only if the total number of Medicaid clients enrolled with an HMO, PHP or MCCN and assigned to the qualifying clinic, meets or exceeds the following threshold levels established in the qualifying clinic's transitional payment contract for that month:

- A) For the seventh through twelfth month, such threshold shall equal 20 percent of the qualifying clinic's Medicaid patient base;
  - B) For the thirteenth through eighteenth month, such threshold shall equal 30 percent of the qualifying clinic's Medicaid patient base;
  - C) For the nineteenth through twenty-fourth month, such threshold shall equal 40 percent of the qualifying clinic's Medicaid patient base;
  - D) For the twenty-fifth month through the term of the contract, such threshold shall equal 50 percent of the qualifying clinic's Medicaid patient base.
- 4) The Medicaid patient base shall be a number mutually agreed to by the Department and the qualifying clinic and established in the transitional payment contract that equals the number of Medicaid clients registered as patients of the qualifying clinic as of November 1996. If the qualifying clinic did not have Medicaid clients registered as patients as of November 1996, the mutually agreed to Medicaid patient base shall be the number of Medicaid clients registered as patients of the qualifying clinic as of the sixth month the qualifying clinic receives transitional payments under this Section.
- 5) Transitional payments shall equal:
- A) eight dollars per member per month for the first 12-month period after the effective date of a clinic's contract with the Department;
  - B) six dollars per member per month for the second 12-month period after the effective date of a clinic's contract with the Department;
  - C) two dollars per member per month for the third 12-month period after the effective date of a clinic's contract with the Department.
- 6) Total transitional payments under subsection (e) shall not exceed:
- A) \$2,625,000 through June 30, 1997;
  - B) \$4,500,000 for each 12-month period thereafter that begins on July 1 and ends on June 30 of the following year.
- 7) In the event that payments exceed the limits described in subsection (e)(6) of this Section above, the Department will adjust future payments to clinics to recover any excess payment.

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- 8) No clinic qualifying under subsection (e) of this Section shall receive transitional payments for any month after November 30, 1998. ~~No--clinic--qualifying--under--this--subsection--(e)--shall receive--transitional--payments--beyond--the--earlier--of--~~  
~~A) three--years--from--the--effective--date--of--a--clinic's--signed contract--or~~  
~~B) June--30--1999.~~

f) Managed Care Adjustment Payments

- 1) Effective October 1, 1997, any FQHC or Rural Health Clinic (RHC) is eligible to receive Managed Care Adjustment Payments if:
  - A) a client is enrolled with a Health Maintenance Organization, a Managed Care Community Network, or a Prepaid Health Plan, and
  - B) the FQHC or RHC is the primary care site for such an enrolled client, as designated by the Department.
- 2) An FQHC or RHC shall receive \$12 per member per month for each month in which the criteria described in subsection (f)(1) of this Section are met. However, the \$12 per member per month shall be reduced by the amount of transitional payments, as described in subsection (e) of this Section, paid or due to a clinic for any month beginning October 1, 1997.

(Source: Amended at 23 Ill. Reg. effective  
APR 30 1999 579833)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Specialized Health Care Delivery Systems

- 2) Code Citation: 89 Ill. Adm. Code 146

- 3) Section Numbers: Adopted Action:

146.205 Amendment  
 146.210 Amendment  
 146.215 Amendment  
 146.220 Amendment  
 146.225 Amendment  
 146.230 Amendment  
 146.235 Amendment  
 146.255 Amendment  
 146.290 New Section

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

- 5) Effective Date of Amendments: April 30, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: December 4, 1998 (22 Ill. Reg. 20769)

- 10) Has JCAR issued a Statement of Objections to these amendments? No

- 11) Differences Between Proposal and Final Version: The following changes have been made in the text of the proposed rulemaking:

Section 146.205

In the definition for "Medical Assistance Program", "U.S.C." has been changed to "USC".

Section 146.210

In subsection (a)(1), "1997 National Fire Protection Life Safety Code" has been changed to "1997 National Fire Protection Association Life Safety Code".

In subsections (d)(2)(H) and (e)(2)(H), a comma has been added after

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"stove".

Section 146.215

Subsection (d)(2)(L) has been revised to read: "Sealed architectural plans, and any changes thereto, for new construction and renovation of an existing building. The Department, or its designee, shall review the sealed architectural plans for an existing facility that provides at least those services required under Section 146.230, and must approve such plans prior to enrolling the facility under the Medical Assistance Program."

In subsection (d)(3), "1997 National Fire Protection Life Safety Code" has been changed to "1997 National Fire Protection Association Life Safety Code".

Section 146.225

In subsections (a), (a)(1)(A) and (a)(2)(B)(i), "a SLF" has been changed to "an SLF".

In subsection (a)(2)(B), "is" has been deleted.

No other changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will these amendments replace emergency amendments currently in effect?  
 No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: These amendments to the Department's rules concerning supportive living facilities (SLFs) provide a number of changes and clarifications to the current program requirements. The changes are the result of continuing discussions between Department staff, nationally recognized experts on assisted living environments and SLF contractors. Several of the changes provide for updating and clarifications while other changes serve to allow for less restrictive requirements. The amendments include the following revisions:

Addition of a definition for "rehabilitated nursing facility";

Updating building code requirements concerning building construction and changes in participation requirements relating to architectural plans and the review of same;

Reduced specificity regarding refrigerator/freezer requirements,



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elimination of certain requirements for bathroom construction and fixtures, and reduced requirements concerning closet spaces;

Changes concerning SLF certification renewal, clarifications on the screening procedures for resident participation and clarifications concerning discharge criteria and procedures;

Clarifications on the delivery of personal care services;

Changes in the definition of dietitian that coincide with revisions of the Department of Public Health's definition;

Addition of requirements on criminal history background checks for all certified nursing assistants in conformance with the Health Care Worker Background Check Act [225 ILCS 46];

Changes in reimbursement for the care of Medicaid residents establishing separate rate methodologies that are specific to freestanding SLFs and rehabilitated nursing facilities; and

Addition of a new Section defining geographic areas that are used in rate setting procedures for SLFs.

16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763  
(217) 524-0081

The full text of the adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 146  
SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

| Section | General Description                                   |
|---------|---|
| 146.100 | General Description                                   |
| 146.105 | Definitions   |
| 146.110 | Participation Requirements                            |
| 146.115 | Records and Data Reporting Requirements               |
| 146.125 | Covered Ambulatory Surgical Treatment Center Services |
| 146.130 | Reimbursement for Services                            |

SUBPART B: SUPPORTIVE LIVING FACILITIES

| Section | General Description                                  |
|---------|--|
| 146.200 | General Description                                  |
| 146.205 | Definitions  |
| 146.210 | Structural Requirements                              |
| 146.215 | SLF Participation Requirements                       |
| 146.220 | Resident Participation Requirements                  |
| 146.225 | Reimbursement for Medicaid Residents                 |
| 146.230 | Services   |
| 146.235 | Staffing   |
| 146.240 | Resident Contract                                    |
| 146.245 | Assessment and Service Plan and Quarterly Evaluation |
| 146.250 | Resident Rights                                      |
| 146.255 | Discharge Criteria                                   |
| 146.260 | Grievance Procedure                                  |
| 146.265 | Records Requirements                                 |
| 146.270 | Quality Assurance Plan                               |
| 146.275 | Monitoring   |
| 146.280 | Termination or Suspension of SLF Provider Agreement  |
| 146.285 | Voluntary Surrender of Certification                 |
| 146.290 | Geographic Areas                                     |

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Sections 5-5.01a and 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 5-5.01a and 12-13].

SOURCE: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; New Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency

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amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 19916, effective APR 30 1999.

## SUBPART B: SUPPORTIVE LIVING FACILITIES

## Section 146.205 Definitions

For purposes of this Part, the following terms shall be defined as follows:

"Activities of Daily Living" means eating, bathing, dressing, transferring, toileting, walking and grooming.

"Assessment" means either the federally mandated assessment instrument commonly referred to as minimum data set (MDS) or the Department designated resident assessment instrument designed for use in SLFs.

"Bank Nursing Facility Beds" means SLF providers that choose to participate by converting a distinct part of a nursing facility shall be allowed to retain the Certificate of Need for nursing beds that were converted.

"Complaint" means a phone call, letter or personal contact to the Department from a resident, family member or resident representative expressing a concern related to the health, safety or well-being of one or more SLF residents.

"Contract" means the written agreement between an SLF and the Department to provide all services set forth in this Subpart B.

"Department" means the Illinois Department of Public Aid.

"Direct Care Staff" means staff which provide assistance with activities of daily living or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual.

"Distinct Part" means a separate building or an entire wing or other physically identifiable space of an existing facility licensed under the Nursing Home Care Act or the Hospital Licensing Act that is operated distinguishably from the rest of the facility. The distinct part of a nursing facility will not be subject to provisions of the Nursing Home Care Act. The distinct part of a hospital continues to be subject to provisions of the Hospital Licensing Act while complying with provisions of this Subpart B. A distinct part does not include the conversion of an entire nursing facility or hospital.

"Follow-up Care" means the response to, and documentation of, the

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service plan which is discussed with, and agreed to by, the resident. It may include physician referrals, revision of the service plan to incorporate nursing services, health promotion counseling and teaching self care in meeting health needs.

"Freestanding Facility" means a separate building that is not part of an existing nursing facility or hospital. Freestanding facilities include conversion of an entire nursing facility or hospital.

"Licensed Nurse" means a person whose services are paid for by the SLF and who is licensed as a registered nurse, registered professional nurse, practical nurse or licensed practical nurse under the Illinois Nursing Act of 1987 [225 ILCS 65].

"Medicaid" means the Department's Medical Assistance Program.

"Medicaid Resident" means a person with a disability (as determined by the Social Security Administration) age 22 years and over, or a person who is age 65 years and over who has been determined eligible for Medicaid payment for SLF services. Eligibility for a person residing in an SLF shall be determined in accordance with 89 Ill. Adm. Code 120.10 and 120.61 (excluding subsection (f) of Section 120.61). Provisions for property transfers as described at 89 Ill. Adm. Code 120.387 shall apply to a person residing in an SLF. Provisions for the prevention of spousal impoverishment as described at 89 Ill. Adm. Code 120.379 shall apply to a person residing in an SLF.

"Medical Assistance Program" means the program administered under Article V of the Illinois Public Aid Code [305 ILCS 5/Art. V] or successor programs and Title XIX of the Social Security Act (42 USC 852c-1396) and related federal and State rules and regulations.

"Rehabilitated Nursing Facility" means the conversion of a distinct part of an existing nursing facility into an SLF.

"Related Parties" means affiliates of the SLF; entities for which investments are accounted for by the equity method by the entire enterprise; trusts for the benefit of employees, such as pensions and profit-sharing trusts that are managed by or under the trusteeship of management; any general partner; management of the SLF; members of the immediate families of principal owners of the SLF or its management; and other parties with which the SLF may deal if one party controls or can significantly influence management or operating policies of the other to an extent that one of the transacting parties might be prevented from fully pursuing its own separate interests. An entity or person shall be deemed by the Department to be a related party if it can significantly influence management or operating policies of the transacting parties or if it has an ownership interest in one of the

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transacting parties and can significantly influence the other to an extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests.

"Resident" means a person living in an SLF, including Medicaid residents as defined in this Section, as well as individuals who are not eligible for Medicaid payment for SLF services.

"RFP" means a Request for Proposal.

"Room and Board" means the housing and meals provided under the resident contract.

"Services" means the personal and health care related services provided by the SLF pursuant to Section 146.230.

"Service Plan" means the written plan that is developed by a licensed nurse with input from the resident, or his or her designated representative, based upon the assessment and shall be completed within seven days after completion of the assessment.

"SLF or Supportive Living Facility" means a residential setting in Illinois that: provides or coordinates flexible personal care services, 24 hour supervision and assistance (scheduled and unscheduled), activities, and health related services with a service program and physical environment designed to minimize the need for residents to move within or from the setting to accommodate changing needs and preferences; has an organizational mission, service programs and a physical environment designed to maximize residents' dignity, autonomy, privacy and independence; and encourages family and community involvement.

"SSI" means Supplemental Security Income under Title XVI of the Social Security Act.

"Subcontractor" means any person who assumes any duties and responsibilities from the SLF under this contract for the performance of an act for which the SLF has contracted with the Department.

(Source: Amended at 23 Ill. Reg. effective APR 30 1999)

## Section 146.210 Structural Requirements

## a) Building Construction

- 1) The SLF's architectural plans shall conform to the current State building codes for the respective building type, local Fire and Life Safety Standards for health care occupancy or the 1997

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National Fire Protection Association Life Safety Code (NFPA) 101, Chapter 22, Residential Board and Care Occupancies or local building codes if more stringent. Each SLF shall be in compliance with local building codes and the rules of the State Fire Marshal 1425-1506-2577 if applicable.

- 2) Each SLF shall meet accessibility standards as related to the Americans with Disabilities Act of 1990.

- 3) An SLF shall not have any apartments below grade level.

- 4) All freestanding sites consisting of two or more stories with 75 or fewer units shall have a minimum of one elevator available for resident use. All freestanding sites consisting of two or more stories with 76 or more units shall have a minimum of two elevators available for resident use.

## b) Heating and Air Conditioning

- 1) All residential apartments shall have individually controlled systems to maintain comfortable temperatures.

- 2) Buildings shall provide a heating and air conditioning system in public areas to maintain comfortable temperatures.

## c) Illumination

Illumination systems shall be installed and maintained to ensure sufficient lighting for general lighting, reading, night lighting for corridors, stairwells and emergency situations. There shall be adequate illumination for outdoor areas.

## d) Resident Apartments General Requirements - Freestanding Sites

- 1) Each SLF apartment shall have at least 300 square feet of living space, including closets and the bathroom, for a person living alone. Individuals wishing to share an apartment shall have no less than 450 square feet of living space, including closets and the bathroom.

- 2) Each apartment shall be equipped at a minimum with:
  - A) A door that locks from the inside;
  - B) A full bathroom as defined in this Section;
  - C) An emergency call system pursuant to Section 146.230(n);
  - D) Heating and cooling controls;
  - E) An individual mailbox which shall be located inside the building;
  - F) Wiring for private telephone lines;
  - G) Access to cable television or satellite dish; and
  - H) A sink, microwave oven or stove, and refrigerator with a separate freezer compartment capacity of not less than 14 cubic feet, including freezer capacity of not less than three cubic feet.

- 3) Each SLF shall have a master key to each apartment to be used only in case of an emergency.

- 4) Each freestanding SLF shall consist of one building housing at least ten but no more than 150 apartments.

## e) Resident Apartments General Requirements - Rehabilitated Nursing Facilities



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- 1) Any nursing facility rehabilitating a portion of the facility to conform with SLF requirements shall convert a distinct part of existing facility space. Each SLF apartment shall have at least 160 square feet of living space, including closets and the bathroom, for a person living alone. Individuals wishing to share an apartment shall not have less than 320 square feet of living space, including closets and the bathroom.
- 2) Each apartment shall be equipped at a minimum with:
  - A) A door that locks from the inside;
  - B) A full bathroom as defined in this Section that may be between and shared by the adjoining apartment;
  - C) An emergency call system pursuant to Section 146.230(n);
  - D) Heating and cooling controls;
  - E) An individual mailbox which shall be located inside the building;
  - F) Wiring for private telephone lines;
  - G) Access to cable television or satellite dish; and
  - H) A sink, microwave oven or stove and refrigerator with a separate freezer compartment capacity of not less than 14 cubic feet--including freezer--capacity--of not less than three cubic feet.
- 3) Each SLF shall have a master key to each apartment to be used only in case of an emergency.
- 4) Each rehabilitated nursing facility shall consist of a distinct part of an existing facility housing at least ten apartments but no more than 150 apartments.
- f) Apartment Bathrooms
  - 1) Each bathroom shall be equipped with:
    - A) A toilet with surrounding grab bars;
    - B) A sink;
    - C) A bathtub and/or shower stall with surrounding grab bars;
    - D) Hot and cold running water with faucets that meet all marking standards for residential building codes; and
    - E) An emergency call system pursuant to Section 146.230(n).
  - 2) At least ten percent of all apartment bathrooms shall be wheelchair accessible to allow a five-foot-turning-radius--or utilize American National Standards Institute g-shape or y-shape including a roll-in shower with non-skid surfaces with hand-held shower heads and grab bars.
  - 3) At least 50 percent (separate from the ten percent noted in subsection (f)(2)) of this Section of all apartment bathrooms shall be equipped with only a shower stall with non-skid surfaces, hand-held shower heads and grab bars.
  - 2) 4) Each bathroom shall be a separate room and shall be designed to provide privacy.
  - 5) Wall construction in bathrooms shall have proper and appropriately placed blocking to allow installation of grab bars near toilets and in the shower.

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- 3) 6) The SLF shall have at least one common bathing room which contains a bathtub and a roll-in shower which is wheelchair accessible to allow a five foot turning radius or utilize the American National Standards Institute T-shape or Y-shape, both of which have a non-skid surface, transfer seat and grab bars. Each bathing room shall have door locks to ensure privacy.
- g) Closet Space
 

Each apartment shall have minimum closet space of 90 cubic feet, or minimum with floor dimensions of no less than 72 inches wide and 30 inches deep. Each closet shall be equipped with a door.
- h) Doors
  - 1) All doors in residential apartments, including entrance doors, shall be wheelchair accessible.
  - 2) Entrance doors to apartments shall have locking devices that are accessible to the outside.
  - 3) Entrance doors to residential apartments shall open onto a public corridor.
  - 4) Entrance doors to each apartment shall be equipped with an "eye-view".
- i) Windows
 

All apartment windows shall be of clear glass (except bathrooms) and large enough to permit viewing to the outside. Apartments shall have at least one window with a sill height that permits viewing from a seated position.
- j) Common Areas
  - 1) The SLF shall have a minimum of two common areas that provide residents with space for socialization. The dining room may be used as one of the common areas.
  - 2) All common areas shall be accessible for wheelchair use and shall be designed and furnished to meet resident needs.
  - 3) Common areas shall be available for resident use at any time, provided such use does not disturb the health, safety, and well-being of other residents. Access to private or public outdoor recreation areas shall be available to all residents.
  - 4) Each common area shall be equipped with an emergency call system pursuant to Section 146.230(n).
- k) Public Restrooms
  - 1) There shall be at least one public restroom that is handicapped accessible.
  - 2) All public restrooms shall be clean.
  - 3) All public restrooms shall contain toilet tissue, waste receptacles and hand drying means that cannot be reused. Soap shall be provided in a manner that minimizes contamination.
- l) Public Telephone
 

There shall be an accessible pay telephone in a common area that allows residents and others to conduct private conversations.
- m) Social and Recreational Areas
  - 1) Accessible public areas shall be provided for residents' social

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and recreational use.

- 2) Social and recreational areas in rehabilitated nursing facilities shall be separate from those of the nursing facility. Rehabilitated nursing facilities may use the SLF dining room as a social and recreational area.

n) Kitchens

- 1) SLF kitchens in rehabilitated nursing facilities may be shared with the nursing facility.
- 2) Food shall be prepared on-site in a full service kitchen. The food shall be freshly prepared each day and served in a central dining area.
- 3) Notwithstanding requirements found in any local health or food preparation ordinances, the SLF shall have a kitchen that provides:

- A) Storage for non-perishable foods and perishable foods;
- B) Food preparation areas with cleanable surfaces;
- C) Capacity for resident food distribution at the appropriate temperature;
- D) Kitchenware washing space as necessary to meet food service needs;
- E) Hand washing areas separate from food washing areas;
- F) Area to store and clean garbage cans and carts;
- G) Self-dispensing ice-making capability; and
- H) Doors between the kitchen and dining area that are lockable.

o) Dining Areas

- 1) The SLF shall have handicapped accessible dining space to accommodate residents.
- 2) The dining area in rehabilitated nursing facilities shall be separate from the dining area of the nursing facility.

p) Laundry Rooms

- 1) Laundry rooms for resident use:
  - A) In addition to laundry services provided under Section 146.230, at least one accessible washer and dryer shall be provided for resident use at no cost. The resident shall be responsible for the cost of all detergent and fabric softeners.
  - B) There shall be a sink for hand washing separate from sinks used for laundry rinsing in the laundry area.
  - C) There shall be an emergency call system pursuant to Section 146.230(n) in each laundry room available for resident use.
- 2) Laundry rooms for SLFs:
  - A) If laundry is done on-site, the laundry equipment shall be located in a separate room from that of the laundry room used by the residents.
  - B) The SLF shall have space for laundry soiled with body secretions to be processed separately from other soiled linens and laundry.
  - C) There shall be a sink for hand washing separate from sinks

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used for laundry rinsing in the laundry area.

- q) Housekeeping and Maintenance Areas  
There shall be at least one lockable janitor closet in the building. All janitor closets shall have a source of hot and cold running water. Rehabilitated nursing facilities may use the same janitor closet as the nursing facility.

r) Smoking Areas

Smoking shall be restricted to areas equipped with ventilation to maintain non-smoking areas smoke-free, or to indoor areas that are separate from other common areas. These areas shall be in compliance with the Illinois Clean Indoor Air Act [410 ILCS 80].

s) Water Services

- 1) The building water supply shall be taken from a water system that is constructed, protected, operated and maintained in conformance with State and local regulations.
- 2) Water temperatures in the central kitchen and laundry used for sanitizing shall meet the standards of the local and State health departments.
- 3) Hot and cold running water with adequate water pressure shall be maintained.
- 4) Drinking water shall be accessible to residents at all times in common areas and residential apartments.
- t) Waste Removal
  - 1) Liquid wastes shall be collected, stored, and disposed of in accordance with State building and health regulations. Those liquid wastes resulting from compacting shall be disposed of as sewage.
  - 2) Sewage disposal shall be operated in compliance with State and local building and health department regulations.
  - 3) Solid waste containers for use inside and outside shall be insect-proof, rodent-proof, fire-proof, non-absorbent and water-tight containers with tight fitting lids.
  - 4) Indoor garbage containers shall be cleaned frequently enough to minimize the transmission of infection and attraction by insects and rodents.
  - 5) Garbage from the public areas of the building shall be collected daily, and garbage from the residential apartments shall be collected as needed. All garbage shall be held in approved receptacles outside the building for removal on a regular schedule. Garbage and trash shall be disposed of in accordance with local ordinances.

(Source: Amended at 23 Ill. Reg. 609, effective APR 30 1999)

## Section 146.215 SLF Participation Requirements

- a) Facilities or distinct parts of facilities which are selected as SLFs

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and are in good standing with provisions contained in this Subpart B are exempt from the provisions of the Nursing Home Care Act [210 ILCS 45] and the Illinois Health Facilities Planning Act [20 ILCS 3960]. Nursing facilities rehabilitating a portion of the facility to conform with this Subpart B shall be allowed to bank their nursing facility beds until the conclusion of the project or until the facility wishes to withdraw from the project and convert the SLF beds back to NF beds.

b) An SLF does not include:

- 1) A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;
- 2) A "long term care facility" licensed by the Nursing Home Care Act or Hospital Licensing Act. However, a nursing facility licensed under the aforementioned Acts can convert a distinct part to an SLF. If the nursing facility elects to convert a distinct part, the facility retains the Certificate of Need for nursing beds that were converted;
- 3) Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];
- 4) Any "Community Living Facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];
- 5) Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act [405 ILCS 30];
- 6) Any nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed of any well recognized church or religious denomination;
- 7) Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135];
- 8) Any "Supportive Residence" licensed under the Supportive Residences Licensing Act [210 ILCS 65];
- 9) Freestanding hospice facilities [210 ILCS 60]; or
- 10) A "life care facility" as defined in the Life Care Facilities Act [210 ILCS 40].

c) In order to become certified by the Department, an SLF shall:

- 1) Be selected through the RFP process;
- 2) Negotiate and execute a contract with the Department; and
- 3) Submit a non-refundable \$500 application fee.

d) In order to participate as an enrolled Medicaid provider, an SLF shall:

- 1) Be certified by the Department.
- 2) Submit the following information to the Department at the time of initial enrollment and prior to any subsequent changes:
  - A) The name, address and telephone number of the owner, operator and management agent.
  - B) The name of each member of the governing body if the entity is government sponsored.

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- C) Proof of not-for-profit status if claiming tax-exempt status.
- D) Names of any officers, directors, partners or members of a governing body who have financial interest of at least five percent in the SLF's operation.
- E) Any related party as defined in Section 146.205.
- F) Any owner or related party with a felony criminal conviction.
- G) The name of the individual responsible for the management of the SLF.
- H) The address, mailing address and telephone number of the SLF where services will be provided.
- I) The name and address of service providers contracting with the SLF.
- J) The maximum number of apartments that the SLF has available, the number of apartments set aside for Medicaid and the number of apartments structured for two cohabitants.
- K) The maximum number of residents that the SLF has the capacity to serve at any one time.
- L) Sealed architectural plans, and any changes thereto, for new construction and renovation of an existing building. The Department, or its designee, shall review the sealed architectural plans for an existing facility that provides at least those services required under Section 146.230, and must approve such plans prior to enrolling the facility under the Medical Assistance Program. Verification--of approval---of---the---SLF's---architectural---plans---from---the Department-or-its-designee---The-architectural-plans-shall conform---to---the-current-State-building-codes---for---the respective-building-type---local-fire-and-life---Safety Standards---for---health-care-occupancy-or-the-National-Fire Protection-Life-Safety-Code---(NFPA)---101---Chapter---217 Residential-Board-and-Care---Occupancies---Plans-shall-be drawn-to-a-scale-of-one-fourth-inch-or-one-eighth-inch--to the-foot--and-specify-the-date-on-which-construction modification-or-conversion-is-expected-to-be-completed---The plans-shall-include-the-name-of-an-architect-or-engineer duly-licensed-by-the-State---The-SLF-shall-be-responsible for---payment-to-the-Department-or-its-designee-for-review-of the-plans-
- 3) Pass an on-site review, initially and annually thereafter, conducted by the Department or its designee, which includes review of:
  - A) Documentation that demonstrates physical plant, health and sanitation, and food preparation compliance with local and county ordinances and regulations, compliance with current Fire and Life Safety standards for health care occupancy or the 1997 National Fire Protection Association Life Safety



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Code (NPPA) 101, Chapter 22 21, Residential Board and Care Occupancies and State building codes for the respective building type.

- B) Assessment, service plan and the provision of services identified in Section 146.230 to ensure that resident needs are met.
- C) Patterns to ensure that the SLF has on-site staff sufficient in number to meet the needs of residents. Staff shall demonstrate capacity, within their job responsibilities, to provide covered services and perform tasks.
- D) Compliance with the Department's contract, provider agreement and resident contracts.
- E) Grievance procedures.
- F) Protection of individual rights and resident's involvement directing his or her own care.
- G) Quality assurance policy and procedures established in accordance with Section 146.270.
- H) Resident satisfaction surveys. The SLF shall conduct an annual resident satisfaction survey which shall be available for review by the Department or its designee. The resident satisfaction survey shall include, but not be limited to, whether the:
- i) Residents have the opportunity to provide input into development and implementation of existing SLF policies and procedures;
  - ii) Existing SLF policies and procedures are clear to residents;
  - iii) Residents have access to existing SLF policies and procedures;
  - iv) Residents have a degree of control over personal lifestyle preferences;
  - v) Residents have access to common areas;
  - vi) Residents are satisfied with surroundings as "home-like"; and
  - vii) Residents have the opportunity to exercise personal lifestyle preferences and direct services according to personal preferences (for example, meal choices and refusal of services).
- e) The SLF shall execute a Medicaid provider agreement with the Department.
- f) The SLF shall be willing to accept the SSI rate (less \$90 for personal allowance) for room and board for Medicaid residents. If the private and Medicaid rates are different, the SLF shall be willing to reserve not less than 25 percent of its apartments for Medicaid residents. Those facilities willing to set a commensurate rate for both private pay and Medicaid residents are not required to reserve apartments for Medicaid residents but must be willing to accept Medicaid residents on a first come, first served basis.

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g) SLF certification is not transferable or applicable to any location, provider, management agent or ownership other than that indicated on the Medicaid provider agreement and contract.

- 1) The Department shall be notified 60 days prior to a change of ownership or management. Change of ownership means a change of five percent or more.
  - 2) The Department has the right to terminate its contract with the SLF if the change of ownership involves a barred Medicaid provider.
  - 3) The new ownership shall comply with the applicable certification requirements found in this Section 146.215.
  - 4) The Department shall conduct an on-site certification review not later than at the time of the next annual certification review or within three months after the effective date of the change of ownership.
  - 5) SLF certification shall be deemed to extend to the new owner until the Department separately certifies the SLF under the new owner.
- h) ~~An SLF certification shall be effective for two years after the date issued and is renewable at the end of this period pursuant to this Section unless terminated or suspended in accordance with Section 146.280.~~
- h)† The certification issued by the Department shall include:
- 1) Name and address of the SLF;
  - 2) Name of the owner, operator and management agent for the housing and service entities involved in providing SLF services;
  - 3) Maximum number of residents to be served at any time; and
  - 4) Number of apartments certified in the SLF.
- i)† Providers certified for SLF shall not operate or maintain SLF housing and services in combination with a home health, home care, nursing home, hospital, residential care setting, congregate care setting or other type of residence or service agency unless those settings and services are licensed, maintained and operated as separate and distinct entities.
- j)† Renewal of Certification
- 1) Unless the SLF is notified by the Department 30 days prior to termination of the contract, the certification is automatically renewed renewable upon submission of an application to the Department and the payment of a non-refundable \$500 application fee.
  - 2) Filing of an application for renewal of the certification and payment of the fee before the date of expiration extends the effective date of expiration until the Department takes action upon such application.
  - 2)† The Department shall refuse to renew a certification, pursuant to Section 146.280, if the SLF is not in compliance with all applicable laws and statutes, ordinances, codes or Department rules and requirements for the SLF.

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k)† The SLF shall comply with enrollment conditions identified in 89 Ill. Adm. Code 140.11.

l)† The SLF shall comply with the Americans with Disabilities Act of 1990.

(Source: Amended at 23 Ill. Reg. 5816, effective APR 30 1999)

## Section 146.220 Resident Participation Requirements

a) The SLF may admit or retain Medicaid residents whose needs can be met through the services described in Section 146.230. These persons ~~who~~ person would typically have a score of 29-40 on the Determination of Need (DON) and need assistance in one or more activities of daily living. These persons must meet all of the following criteria:

- 1) Be age 22 years or over with a disability (as determined by the Social Security Administration) or elderly (age 65 years or over).
- 2) Be screened by the Department or its designee ~~one-of-the-State's authorized-screening-agents~~ and found to be in need of nursing facility level of care. Persons transferring from a nursing facility to an SLF must be screened prior to admission to an SLF and found to be in need of nursing facility level of care.
- 3) Be without a primary or secondary diagnosis of developmental disability or chronic mental illness. (Developmental disability is defined as a disability which is attributable to mental retardation or a related condition.)
- 4) Be certified by a physician as requiring the level of care provided in a supportive living facility ~~needing-nursing-facility level-of-care~~.
- 5) Have income no less than the current maximum allowable amount of Supplemental Security Income (SSI) for a single person. An individual ~~two-individuals~~ sharing an apartment may qualify for SLF services if that ~~each~~ individual has income equal to or greater than the individual's share of the SSI rate for a married couple.
- b) All private pay individuals seeking admission to an SLF shall be screened by the Department or its designee ~~State's-authorized screening-agents~~. Private pay individuals who choose to be admitted into an SLF when the screening assessment does not justify nursing facility level of care need not be denied access to the SLF. Private pay residents seeking to convert to Medicaid while residing in an SLF shall be screened prior to the point of conversion by the Department or its designee and shall be found to be in need of nursing facility level of care before Medicaid payment may be authorized.
- c) All individuals seeking admission to an SLF shall have documentation of a tuberculosis test administered in the three months prior to admission that indicates the absence of active tuberculosis.

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- d) The SLF shall encourage families of residents with impairments that limit the resident's decision making ability to arrange to have a responsible party or guardian represent the resident's interests. All residents shall be presented information by the SLF about advance directives including the Durable Power of Attorney for Health Care.
- e) A Medicaid resident of an SLF cannot participate in the Department on Aging's Community Care Program or the Department of Human Services' Home Services Program.

(Source: Amended at 23 Ill. Reg. 5816, effective APR 30 1999)

## Section 146.225 Reimbursement for Medicaid Residents

SLFs shall accept the reimbursement provided in this Section as payment in full for all services provided to Medicaid residents.

- a) The Department shall establish its portion of the reimbursement for Medicaid residents of SLFs under contract with the SLFs in accordance with the following methodology. The following provisions apply to the reimbursement rate shall mean the arithmetic mean. The reimbursement rate for SLFs shall be determined by the Department using available data for nursing home residents who are comparable to residents who would qualify for admission into an SLF pursuant to Section 146.220. ~~the-service-portion-of-the-rate-shall-be-paid-by-the-Department-on-a monthly-basis.---The-service-portion-of-the-rate-shall-be-established by-contract-with-the-Department.---The-rate-cannot-exceed-75-percent of-the-average-nursing-facility-rate-minus-the-average-amount contributed---from---nursing-facility---resident-income-for-a-like population-for-the-geographic-area---the-only-exception-to-this-rate shall-be-for-rehabilitated-nursing-facilities-whose-average-facility rate-for-this-population-is-higher-than-the-average-long-term-care rate-based-on-their-geographic-area.---When-this-occurs-the-higher rate-shall-be-utilized-when-establishing-the-SLF-rate.---During-the initial-phase-of-the-project-the-rate-shall-be-effective-for-two years:~~

1) Preexisting SLFs. The rate is calculated as follows:

- A) Step one: Determine the average reimbursement rate for residents of nursing facilities who are comparable to residents who qualify for admission into an SLF located in the same geographic region as defined in Section 146.290.
- B) Step two: Deduct from the rate in step one the average amount contributed pursuant to 89 Ill. Adm. Code 120.61 by Medicaid residents toward their nursing facility care within that region.
- C) Step three: Determine the product of 0.75 and the difference remaining in step two. The rate cannot exceed the calculated result in step three.

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2) Rehabilitated Nursing Facilities. The reimbursement rate for rehabilitated nursing facilities shall not exceed the greater of:

- A) The reimbursement rate determined under subsection (a)(1) of this Section; or
- B) The rate calculated as follows:
  - i) Step one: Determine the average reimbursement rate for residents of the nursing facility being rehabilitated who are comparable to residents who would qualify for admission into an SLF.
  - ii) Step two: Deduct from the rate in step one the average amount contributed pursuant to 89 Ill. Adm. Code 120.61 by Medicaid residents toward their facility care within that region.
  - iii) Step three: Determine the product of 0.75 and the difference remaining in step two. The rate cannot exceed the calculated result in step three.

b) Single Occupancy: Each Medicaid resident of an SLF shall be allotted \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLF may charge each Medicaid resident no more than the current SSI rate for a single individual less \$90 for room and board charges. Any income remaining after deduction of the protected \$90 and room and board charges shall be applied first towards medical expenses not covered under the Department's Medical Assistance Program. Any income remaining after that shall be applied to the charges for SLF services paid by the Department.

c) Double Occupancy: In the event a Medicaid eligible resident chooses to share an apartment, the Medicaid resident of an SLF shall be allotted \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLF may charge each Medicaid resident no more than the resident's share of the current SSI rate for a couple less \$90 for room and board charges. The room and board rate for two Medicaid eligible individuals sharing an apartment cannot exceed the SSI rate for a married couple even if the two individuals sharing an apartment are unrelated. Any income of an individual remaining after deduction of the protected \$90 and room and board charges shall be applied first towards that individual's medical expenses not covered under the Department's Medical Assistance Program. Any income of an individual remaining after that shall be applied to that individual's charges for SLF services paid by the Department. If one, or both, of the individuals sharing an apartment is not Medicaid eligible, the SLF is free to negotiate its own rate with the non-Medicaid individual or individuals.

d) The room and board charge for Medicaid residents shall only be increased when the SSI amount is increased. Any room and board charge increase shall not exceed the amount of the SSI increase.

e) No SLF payment shall be made by the Department during a Medicaid resident's temporary absence from the SLF when the absence is due to situations including but not limited to hospitalization or vacation.

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The resident shall continue to be responsible for room and board charges during any absence. Refer to Section 146.255(b) and (d)(7) for involuntary discharge criteria relating to temporary absence. Nursing facilities that have a distinct part certified as an SLF shall not consider converted beds in the nursing facility's licensed capacity when calculating the 93 percent occupancy level for bed reserve payment pursuant to 89 Ill. Adm. Code 140.523.

(Source: amended at 23 Ill. Reg. effective  
APR 30 1999)

## Section 146.230 Services

a) An SLF must combine housing, personal and health related services in response to the individual needs of residents who need help in activities of daily living. Supportive services shall be available 24 hours per day to meet scheduled and unscheduled needs in a way that promotes resident self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity and autonomy in a residential setting.

b) The payment rate received by the SLF from the Department for services provided in accordance with this Section shall constitute the full and complete charge for services rendered. Additional payment, other than patient credits authorized by the Department, may not be accepted.

c) Nursing Services

1) The SLF shall provide for an assessment and service plan pursuant to Section 146.245, initially and annually thereafter, for each SLF resident.

2) When a resident is temporarily unable to administer his or her own medications, the medications shall be administered by a licensed nurse.

3) Nursing services shall include medication set-up (such as preparing weekly pill caddies with that week's medication) and follow-up care that is conducted by a licensed nurse.

4) Other nursing services include episodic and intermittent health promotion or disease prevention counseling and teaching self-care in meeting routine and special health care needs that can be done by other staff under the supervision of a registered nurse.

5) All nursing services shall be provided in accordance with the Illinois Nursing Act of 1987 [225 ILCS 65].

d) Personal Care

1) The SLF shall provide personal care services for residents, including but not limited to assistance with bathing, eating, dressing, personal hygiene, grooming, toileting, ambulation and transfer.

2) Upon request by the resident, the SLF shall assist in making medical appointments and arranging for transportation to and from the source of medical treatment (payment for medical



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transportation shall be made in accordance with 89 Ill. Adm. Code 140.490 through 140.492).

- 3) Personal care services shall be delivered by certified nursing assistants who meet the qualifications described in Section 146.235(f)(1).

e) Medication Oversight and Assistance in Self-Administration

- 1) Reminding the resident to take his or her medications;
- 2) Taking medication from where it is stored in the apartment and handing it to the resident when requested to do so by the resident;
- 3) Opening or uncapping medication containers for physically impaired residents; and
- 4) Assisting physically impaired residents in the removal of the medication from the container and assisting the resident in consuming or applying the medication when requested to do so by the resident (i.e., placing a dose in a container and placing the container to the mouth of the resident).

f) Meals

- 1) The SLF shall provide three meals per day, or two meals per day (noon and evening meals) and a breakfast bar. The meals shall include therapeutic diets as ordered by a physician. The daily food allowance for each resident shall meet the basic food pattern for a general diet for an adult following the recommendations of the Food and Nutrition Board, National Research Council.
- 2) The SLF shall make available beverages, including coffee, fruit juice and snack foods. This may be accomplished through the use of vending machines.
- 3) The same menu options shall be offered to all residents regardless of payment source unless there are therapeutic diets ordered by a physician.
- 4) All menus served shall be kept on file for not less than four months.
- 5) Supplies of staple foods for a minimum of a one week period and of perishable foods for a minimum of a two day period shall be maintained on the premises. Supplies shall be appropriate to meet the requirements of the menu.
- 6) Records of all food purchased shall be kept on file for not less than 18 months.
- 7) The SLF shall store, prepare, distribute and serve food in a manner to protect against contaminants and spoilage and to insure the preparation and serving of food at safe and palatable temperatures.
- 8) The SLF shall provide and maintain clean and sanitary central kitchen and dining areas. The SLF shall ensure a sanitary and adequate supply of eating and drinking utensils and pots and pans for preparing food in the central kitchen and dining areas.
- 9) Residents shall be provided with written information about menu

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plans. Menu cycles shall not be repeated within a one week time frame. There shall be an established mechanism for residents to provide input into the selection and preparation of food.

- 10) Residents may obtain, prepare and store food in residential apartments if doing so does not represent a health or safety hazard to others.

- 11) Each resident shall be provided with meal service in his or her apartment as a time limited service during periods of documented illness.

g) Laundry

- 1) Laundry service shall be provided by the SLF if requested by a resident.
- 2) The SLF shall provide for the appropriate handling, cleaning, and storage of routine personal laundry, laundry soiled with body secretions and all other laundry. This includes all detergent and fabric softeners required to perform normal routine laundry service at no cost to the resident.
- 3) The SLF shall provide on-site laundry equipment for resident use in accordance with Section 146.210.
- 4) Laundry service does not include dry cleaning services.

h) Housekeeping

- 1) The SLF shall provide for general housekeeping services at least weekly (house cleaning, laundry, bed making, changing of linens, dusting and vacuuming).
- 2) All housekeeping services provided in residential apartments shall take into account individual habits and lifestyle preferences.
- 3) All public areas shall be maintained in a clean and orderly condition.
- 4) All bathing rooms shall be maintained in a clean and orderly condition.

i) Maintenance

- 1) Residential apartments shall be maintained in good repair.
- 2) The building and grounds shall be maintained clean and free of hazards, with all systems maintained in good working order.

j) Social and Recreational Programming

- 1) The SLF shall facilitate the involvement of individual and community volunteer activities with and for residents.
- 2) The SLF shall provide programs at least twice weekly, which include on-site programs as well as off-site trips, allowing for social and recreational programs for the residents. Transportation shall be provided by the SLF for scheduled activities off-site.
- 3) The SLF shall provide access to opportunities for scheduled and unscheduled individual and group socialization within the SLF and in the larger community.

k) Ancillary Services

- 1) The SLF shall provide transportation for scheduled group shopping

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- and other community and social activities.
- 2) The SLF shall assist a resident in obtaining needed and preferred services offered outside the SLF at his or her request.
  - 3) When a resident is temporarily unable to shop, the SLF shall provide shopping assistance.
  - 1) 24 Hour Response/Security Staff
    - 1) Response/Security staff shall be available on the premises 24 hours a day to respond to scheduled or unpredictable needs and emergency calls from residents. Staff shall possess certification in emergency resuscitation. The SLF shall provide one staff person for facilities with ten to 75 apartments, and a second staff person for facilities with 76 to 150 apartments.
    - 2) Security shall be provided 24 hours a day and shall include lockable entrances (accessibility controlled by SLF staff for security purposes during overnight hours) and on-site personnel. All residents shall have 24 hour access.
    - 3) Rehabilitated nursing facilities participating in SLF shall have separate staff on-site in the SLF.
  - m) Health Promotion and Exercise Programming
    - 1) The SLF shall offer and encourage the use of health promotion and exercise programs for its residents.
    - 2) The SLF shall develop programs to be held not less frequently than three times per week geared toward promoting better health and fitness of the residents. These programs are in addition to the social and recreational programming described in this Section.
  - n) Emergency Call System
    - 1) At least two electronic devices shall be available in each apartment to enable the resident to secure help in an emergency. One device shall be located in each bathroom. The second device shall be located in the bedroom.
    - 2) Electronic devices shall be available in each common area and each laundry room for resident use to enable residents to secure help in an emergency.

(Source: APR 8 1993 at 23 Ill. Reg. 5819, effective \_\_\_\_\_)

## Section 146.235 Staffing

- a) The SLF shall ensure that a manager shall be at the SLF during normal business hours plus whenever necessary to ensure attention to the management and administration of the resident contracts. Staff shall have access to the manager or the manager's designee at all times.
- b) The manager shall have at least five years experience in providing health care services to adults with disabilities or the elderly population either in an assisted living program, inpatient hospital, long term care setting, adult day care or in a Department approved

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- health related field. The manager shall also have at least two years of progressive management experience.
- c) Licensed and certified staff sufficient in number to meet the needs of residents in conjunction with the contractual agreements shall be provided.
  - d) Nursing facility staff may be utilized in a rehabilitated nursing facility but may not be on duty in both the nursing facility and SLF at the same time.
  - e) Staff shall receive documented training by qualified individuals in their area or areas of responsibility. Training shall be geared toward the manner in which services are to be performed and include techniques for working with persons with disabilities and the elderly populations. This training may have occurred prior to employment with the SLF or may occur after employment begins. In any case, the training shall take place no later than 30 days after beginning employment with the SLF. Staff shall be provided with and the SLF shall provide evidence of semi-annual training in areas related to their employment. All training materials shall be available for review by the Department.
  - f) The SLF shall employ certified nursing assistants who are at least 18 years of age and comply with the following:
    - 1) Qualifications:
 

Must have successfully completed, or be enrolled in and actively pursuing completion of, a nursing assistant training course or a Department of Public Health approved equivalent training and competency evaluation.
    - 2) Job responsibilities shall include, but not be limited to:
      - A) Follow and help carry out a resident's written service plan;
      - B) provide personal care services for residents, including but not limited to bathing, eating, dressing, personal hygiene, grooming, toileting, ambulation and assistance with transfer;
      - C) Observe the resident's functioning, maintain written records of the observations and report any changes to the licensed nurse; and
      - D) Attend initial training, in-service training sessions and staff conferences.
  - g) At a minimum, the SLF shall contract with a dietitian who shall come on-site at least twice per quarter for a period of not less than a cumulative total of eight hours. The dietitian shall comply with the following:
    - 1) The dietitian is a person who is a licensed dietitian as provided in the Dietetic and Nutrition Services Practice Act [225 ILCS 301. Qualifications:  
The dietitian is a person who:  
A) is eligible for registration by the American Dietetic Association; or  
B) has a baccalaureate degree with major studies in food and

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~~nutrition-dietetics-and-food-service-management--has--one year--of-supervisory-experience-in-the-dietetic-service-of-a health-care-institution--and-participates--annually--in continuing-dietetic-education-~~

2) Job responsibilities shall include, but not be limited to, consultation and training in all food service procedures such as menu planning and review, food preparation, food storage, food service, safety, sanitation and management of therapeutic diets.

h) The SLF shall employ a minimum of one cook who shall have at least one year of experience in commercial food preparation.

i) Twenty-four hour response staff shall be at least 18 years of age with a high school diploma or a GED. Response staff shall possess certification in emergency resuscitation. The staff shall respond to scheduled or unpredictable needs and emergency calls from residents.

j) Nurses on staff, or subcontracted for, shall be licensed by the State of Illinois and shall be responsible for nursing services set forth in Section 146.230.

k) The SLF shall designate a trained staff person to be responsible for planning and directing social and recreational activities. This person shall be at least 18 years of age with a high school diploma or a GED.

l) All certified nursing assistants shall have a criminal history background check that conforms to the Health Care Worker Background Check Act [225 ILCS 46]. No SLF shall knowingly hire, employ or retain any individual in a position, with duties involving direct care for residents, who has been convicted of committing or attempting to commit one or more of the offenses defined under the Health Care Worker Background Check Act unless that individual has obtained a waiver issued by the Department of Public Health. An SLF may conditionally employ an applicant to provide direct care for up to three months pending the results of the criminal history record check.

(Source: Amended at 23 Ill. Reg. 5819, effective APR 30 1996)

## Section 146.255 Discharge Criteria

a) If a resident does not meet the terms for occupancy as stated in the resident contract, discharge proceedings shall not commence until there has been discussion with the resident and his or her designated representative concerning the reason for involuntary discharge.

b) The SLF shall provide a resident with 30 days written notice of proposed discharge unless such a delay might jeopardize the health, safety, and well-being of the resident or others. An SLF may provide the 30 day written notice on the first day of the temporary absence or at any point during the temporary absence.

c) The SLF shall prepare plans to ensure safe and orderly discharge and protect resident health, safety, welfare and rights.

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d) A resident may be involuntarily discharged only if one or more of the following occurs:

1) He or she poses an immediate threat to self or others.  
2) He or she needs mental health services to prevent harm to self or others.

3) He or she has breached the conditions of the resident contract.

4) The SLF has had its certification terminated, suspended, not renewed, or has voluntarily surrendered its certification.

5) The SLF cannot meet the resident's needs with available support services.

6) The resident has received proper notice of failure to pay by the SLF. This subsection (d)(6) does not apply to Medicaid residents when the failure to pay relates to the Medicaid payment.

7) The resident exceeds the SLF's policy for what constitutes a temporary absence from the SLF. A temporary absence shall not be considered a basis for an involuntary discharge until the SLF has gone no less than 30 consecutive days without reimbursement for covered services.

e) The notice required in subsection (b) of this Section shall not apply in any of the following instances:

1) When an emergency discharge is mandated by the resident's health care or mental health needs and is in accord with the written orders and medical justification of the attending physician.

2) When the discharge is mandated to ensure the physical safety of the resident and other residents as documented in the resident record.

f) The notice required in subsection (b) of this Section shall be on a form prescribed by the Department and shall contain all of the following:

1) The stated reason for the proposed discharge;

2) The effective date of the proposed discharge;

3) A statement in not less than 14-point type, which reads: "You have a right to appeal the SLF's decision to discharge you. You may file a request for a hearing with the Department within ten days after receiving this notice. If you request a hearing, you will not be discharged during that time unless you are unsafe to yourself or others. If the decision following the hearing is not in your favor, you will not be discharged prior to the tenth day after receipt of the Department's hearing decision unless you are unsafe to yourself or others. A form to appeal the SLF's decision and to request a hearing is attached. If you have any questions, call the Department at the telephone number listed below."

4) A hearing request form, together with a postage paid, preaddressed envelope to the Department; and

5) The name, address, and telephone number of the person charged with the responsibility of supervising the discharge.

g) A request for hearing made under subsection (f) of this Section shall



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stay a discharge pending a hearing or appeal of the decision, unless a condition which would have allowed discharge in less than 30 days as described under subsections (e)(1) and (2) of this Section develops in the interim.

- h) A copy of the notice required by subsection (b) of this Section shall be placed in the resident's record and a copy shall be transmitted to the resident and the resident's designated representative.
- i) When nonpayment is the basis for involuntary discharge, the resident shall have the right to redeem up to the date that the discharge is to be made and then shall have the right to remain in the SLF.
- j) In determining whether a discharge is justified, the burden of proof in the hearing rests with the entity requesting the discharge.
- k) If the Department determines that a discharge is justified under subsection (d) of this Section, the resident shall not be required to leave the SLF before the tenth day after receipt of the Department's hearing decision unless a condition which would have allowed discharge as described under subsections (e)(1) and (2) of this Section develops in the interim.

- l) The SLF shall offer relocation assistance to residents discharged under this Section, including information on available alternative placements. A resident or his or her designated representative shall be involved in planning the discharge and shall choose among the available alternative placements. Where an emergency makes prior resident involvement impossible, the SLF may arrange for a temporary placement until a final placement can be arranged. The SLF may offer assistance in relocating from a temporary to a final placement.

- m) When a resident discharges on a voluntary basis, he or she shall provide the SLF with 30 days written notice of intent to discharge, except where a delay would jeopardize the health, safety, and well-being of the resident or others.

- n) In cases of discharge under subsection (d), (e), (m) or (o) of this Section, the resident is no longer bound by the resident contract.
- o) The Department may discharge any resident from an SLF when any of the following conditions exist:

- 1) The Department has terminated or suspended the SLF certification.
- 2) The SLF is closing or surrendering its certification and arrangement for relocation of the resident has not been made at least 30 days prior to closure or surrender.
- 3) The Department determines that an emergency exists which requires immediate discharge of the resident.

- p) In the event of a Department initiated discharge, the Department may offer relocation assistance to residents. A resident or his or her designated representative shall be involved in planning the discharge and shall choose among the available alternative placements.

(Source: Amended at 23 Ill. Reg. 5819, effective APR 30 1999)

## DEPARTMENT OF PUBLIC AID

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## Section 146.290 Geographic Areas

These geographic areas define boundaries, according to counties, that are used in rate setting for supportive living facilities.

- a) Chicago -- City of Chicago, Cook (other than Chicago), DuPage, Kane, Lake and McHenry.
- b) South Suburb -- Grundy, Kankakee, Kendall and Will.
- c) South -- Alexander, Clay, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Perry, Pope, Pulaski, Randolph, Richland, Saline, Union, Wabash, Washington, Wayne, White and Williamson.
- d) St. Louis -- Bond, Clinton, Madison, Monroe and St. Clair.
- e) Central -- Bureau, Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Ford, Fulton, Henderson, Iroquois, Knox, LaSalle, Livingston, Macon, Marshall, McDonough, McLean, Moultrie, Peoria, Piatt, Putnam, Shelby, Stark, Tazewell, Vermilion, Warren and Woodford.
- f) West Central -- Adams, Brown, Calhoun, Cass, Christian, Greene, Hancock, Jersey, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler and Scott.
- g) Northwest -- Boone, Carroll, Dekalb, Henry, Jo Daviess, Lee, Mercer, Ogleside, Rock Island, Stephenson, Whiteside and Winnebago.

(Source: Added at 23 Ill. Reg. 5819, effective APR 30 1999)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Payment of Taxes by Electronic Funds Transfer

2) Code Citation: 86 Ill. Adm. Code 750

3) Section Numbers: Adopted Action:

750.100 Amendment  
750.300 Amendment  
750.500 Amendment  
750.600 Amendment

4) Statutory Authority: 35 ILCS 640, 20 ILCS 2505/39c-1

5) Effective Date of Amendment(s): May 3, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: December 4, 1998, 22 Ill. Reg. 20797

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect?  
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking adds payments of Electricity Excise Tax to the list of taxes required to be paid by electronic funds transfer and how the thresholds for such requirements are calculated. Adds Electricity Excise Tax payments to the list of taxes that may be paid through the voluntary use of electronic funds transfer. Makes other technical changes regarding when taxpayers should initiate ACH debits and credits.

16) Information and questions regarding this adopted amendment shall be

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

directed to:

Terry Charlton  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996

The full text of the adopted amendment begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 750  
PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER

| Section | Scope of the Program and Rules                            |
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**AUTHORITY:** Implementing and authorized by the Retailers' Occupation Tax Act [35 ILCS 120].

**SOURCE:** Adopted at 17 Ill. Reg. 18132, effective October 4, 1993; amended at 18 Ill. Reg. 15612, effective October 11, 1994; amended at 20 Ill. Reg. 9111, effective July 2, 1996; amended at 22 Ill. Reg. 10904, effective June 8, 1998; amended at 23 Ill. Reg. 5849-01, effective MAY 3 - 1999.

**Section 750.100 Scope of the Program and Rules**

a) Public Act 87-1132, as amended by P.A. 87-1246, requires Illinois taxpayers with liabilities for income taxes and occupation and use taxes exceeding established thresholds to pay their tax liabilities by electronic funds transfer beginning in October 1993. The law provides that the statutory thresholds are calculated by tax type. In other words, a taxpayer with both retailers' occupation tax liability and income tax liability will not have those tax liabilities combined when determining eligibility for the program. In addition, income tax withholding and a taxpayer's estimated income tax liabilities are separately considered in determining eligibility. The threshold for required participation in the program is to be phased in over a three year period.

b) Public Act 90-561 requires delivering suppliers of electricity and self-assessing purchasers of electricity with liabilities under the Electricity Excise Tax Law exceeding established thresholds to pay those liabilities to the Department by electronic funds transfer.

c) Electronic funds transfer replaces the physical movement and handling of paper checks with electronic instructions to financial institutions to transfer funds between accounts of those making and receiving payments.

d) Use of electronic funds transfer is intended to:

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- 1) make the payment of taxes easier for taxpayers;
- 2) enhance state revenues through acceleration of the collection mechanism for taxes; and
- 3) improve enforcement and compliance through the elimination of the delays and uncertainties which result from mailing and manually processing paper returns and tax payments.

(Source: Amended at 23 Ill. Reg. 5849-01, effective MAY 3 - 1999)

**Section 750.300 Payments Required to be Paid by Electronic Funds Transfer**

## a) Income tax payments

1) Beginning on October 1, 1993, certain withholding tax payments and estimated income tax payments will be required to be paid by electronic funds transfer. The threshold amounts are set by law, change over time, and are detailed below.

2) Beginning on October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more under Article 7 of the Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1993, a taxpayer who has an average quarterly estimated tax payment obligation of \$450,000 or more under Article 8 of the Act shall make all payments required by rules of the Department by electronic funds transfer. (Section 601.1 of the Illinois Income Tax Act [35 ILCS 5/601.1] ("the IITA"))

A) Beginning on October 1, 1994, the threshold for taxpayers with withholding liability under Article 7 of the IITA drops to an average monthly liability of \$100,000, and, beginning on October 1, 1995, the threshold drops to an average monthly liability of \$50,000.

B) Beginning on October 1, 1994, the threshold for taxpayers with liability for estimated tax payments under Article 8 of the IITA drops to an average quarterly estimated tax payment obligation of \$300,000 and, beginning on October 1, 1995, the threshold drops to an average quarterly estimated tax payment obligation of \$150,000.

3) The Department will only require payments by electronic funds transfer in those circumstances in which it is cost-effective for the Department to receive payments by electronic funds transfer and where receipt of payments by electronic funds transfer is consistent with the Department's tax processing capabilities.

4) Taxpayers over the statutory thresholds will only be required to make certain types of income tax payments by electronic funds transfer.

A) Taxpayers with income tax withholding liabilities over the statutory thresholds shall make IL-501



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payments by electronic funds transfer. All other withholding payments by those taxpayers shall be made by conventional means.

B) Corporate taxpayers with estimated income and replacement tax liabilities over the statutory thresholds shall make IL-1120 ES payments and IL-505B payments by electronic funds transfer.

C) Individual taxpayers with estimated income tax liabilities over the statutory thresholds shall make IL-1040ES and IL-505I payments by electronic funds transfer.

D) Any other taxpayers not listed above who incur estimated income tax liabilities over the statutory thresholds will, upon contact by the Department, be required to make subsequent estimated payments by electronic funds transfer as directed by the Department.

b) State and local occupation and use tax payments

1) Beginning on October 1, 1993, the Department will require certain State and local occupation and use tax payments to be made by electronic funds transfer. Subsection (b)(4) below sets forth the types of payments that must be made by electronic funds transfer.

2) Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. (Section 3 of the Retailers' Occupation Tax Act [35 ILCS 120/3] ("the ROT"))

A) Beginning October 1, 1994, the threshold for taxpayers required to make payments by electronic funds transfer drops to those taxpayers with average monthly tax liability of \$100,000.

B) Beginning October 1, 1995, the threshold for taxpayers required to make payments by electronic funds transfer drops to those taxpayers with average monthly tax liability of \$50,000.

3) The Department will only require payments by electronic funds transfer in those circumstances in which it is cost-effective for the Department to receive payments by electronic funds transfer and where receipt of payments by electronic funds transfer is consistent with the Department's tax processing capabilities.

4) Taxpayers over the statutory thresholds will only be required to make RR-3 sales tax accelerated quarter-monthly payments, ST-1 return payments, PST-1 return payments and PST-3 return payments by electronic funds transfer. Any other payments that accompany a tax return (for example, ST-1-X return payments, 556 return payments, etc.) may not be paid by electronic funds transfer.

c) Electricity Excise Tax payments

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1) Beginning October 1, 1999, each delivering supplier or self-assessing purchaser whose average monthly liability under the Electricity Excise Tax Law was \$10,000 or more is required to make all payments by electronic funds transfer. The calculation to determine the average monthly liability is made by taking the sum of the liabilities of the delivering supplier or self-assessing purchaser for the immediately preceding calendar year and dividing by the number 12.

2) The Department will calculate the delivering supplier's or self-assessing purchaser's average monthly liability for calendar year 1998, and only for calendar year 1998, by taking the sum of the delivering supplier's or self-assessing purchaser's liabilities for the last 5 months of calendar year 1998 and dividing by the number 12.

(Source amended at 23 Ill. Reg. 5847, effective MAY 3 1999)

## Section 750.500 Voluntary Program Participation

a) Any taxpayer who is not required to make estimated or accelerated payments by electronic funds transfer is encouraged to seek the permission of the Department to make payments by electronic funds transfer.

b) Taxpayers who wish to voluntarily participate in the electronic funds transfer program must file an application for participation with the Department. Taxpayers should be aware that it will generally take a minimum of 60 days for the Department to process a request for voluntary participation in the electronic funds transfer program.

c) In determining whether to grant or deny an application for participation the Department will consider the filing and payment history of the taxpayer, the average amount of payments made by the taxpayer and the cost to the Department of the taxpayer's participation in the program versus the cost to the Department of processing traditional forms of payment from the taxpayer.

d) Once an applicant has been approved as a voluntary participant, all required payments must be made by electronic funds transfer for the next twelve months. Voluntary participants may not switch back and forth between electronic funds transfer and payment by check or draft. Failure to pay by the due date by electronic funds transfer may be grounds for dismissal from voluntary participation in the program.

e) The Department is accepting voluntary electronic funds transfer payments of the following taxes and fees:

ICT-1, Electricity Distribution and Invested Capital Tax  
Estimated Payment

ICT-4, Electricity Distribution and Invested Capital Tax Return

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(payment only)

IL-501, Illinois Withholding Tax Payment

IL-501-I, Automatic Extension Payment for Individuals

IL-505-B, Payment of Automatic Extension (for corporations, small business corporations, partnerships, fiduciaries, or exempt organizations)

IL-1040-ES, Estimated Income Tax Payment for Individuals

IL-1120-ES, Estimated Income and Replacement Tax Payment for Corporations

PST-1, Prepaid Sales Tax Return (payment only)

PST-3, Prepaid Sales Tax Quarter-Monthly Payment (for accelerated sales tax filers)

RG-1, Gas Revenue Tax Return (payment only)

RPU-13, Electricity Excise Tax Return (payment only)

RPU-35, Public-Utilities-Tax-Return-(payment-only)

RPU-50, Public-Utilities Quarter-Monthly Payment - Electric, Gas, Telecommunications Excise Tax, and Telecommunications Infrastructure Maintenance Fee

RR-3, Sales and Use Tax Quarter-Monthly Payment (for accelerated sales and use tax filers)

RT-2, Telecommunications Excise Tax Return (payment only)

RT-10, Telecommunications Infrastructure Maintenance Fee Return (payment only)

ST-1, Sales and Use Tax Return (payment only)

(Source: Amended at 23 Ill. Reg. 5847, effective MAY 3 - 1999)

## Section 750.600 Methods of Electronic Funds Transfer Payment

- a) There are two primary methods for payment by electronic funds transfer under the program, along with one emergency backup method. These methods are ACH Debit, ACH Credit and Fedwire. Taxpayers may use

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either the ACH Debit or Credit methods for payment. Fedwire is only offered as an emergency backup method of payment.

- b) To use the ACH debit option taxpayers must place a toll-free call to the Department's data collection service and provide the appropriate account number and required tax payment information. The data collection service will then provide the taxpayer with a unique "confirmation number" to acknowledge the call. The call must be placed by 3:30 pm Central Standard Time at least one day prior to the due date for the payment. The data collection service will initiate the ACH debit to the taxpayer's account the same day the taxpayer calls the Department, except in the case of ACH warehousing by the data collection service which will be initiated the working day prior to the due date, and a credit to the Department's account will be made the following day. When a taxpayer chooses this payment option, the Department will provide the taxpayer with a detailed set of technical instructions related to the payment mechanism.

- c) To use the ACH credit option, the taxpayer initiates a credit by instructing its bank to transfer the tax due from the taxpayer's account to the Department's account. The taxpayer's bank will then insert a "trace number" into the payment transaction to be used as a payment verification. In addition to the payment amount, taxpayer account posting information is sent with the funds transfer using the TXP convention. This is a standard format developed for use by all states accepting tax payments by means of ACH credit. A copy of the TXP convention is provided as a portion of the technical instructions provided to taxpayers making payment in this form.

- 1) The ACH credit ~~credit~~ must be initiated at least one day prior to the due date of the payment so the funds are available on the due date of the payment, or earlier if required by the taxpayer's bank so the funds are available on the due date.

- 2) Before choosing this option on the registration form, a taxpayer should contact its bank to determine what ACH services are offered by the bank.

- d) The Fedwire option for payment is offered by the Department only as a backup method. If for some reason a taxpayer is unable to initiate an ACH debit or ACH credit one day prior to the due date of the tax, Fedwire is the only electronic alternative method available to avoid late payment penalties and interest. If this backup method is used, the taxpayer's bank must initiate the Fedwire by noon Central Standard Time on the tax due date.

- 1) Fedwires have costs associated with them for both the initiator and the receiver. A taxpayer using this option will be required to pay the initiator's fee, and the receiver fee will be charged to the Department.

- 2) To effectively credit the payment information to the taxpayer's account, the Department's standard Fedwire format (the Department requires the same data as the TXP convention) information should be entered by taxpayer's bank as part of the Fedwire transaction.

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The taxpayer's bank should provide taxpayer with a paper copy of the transmission for taxpayer's records. A copy of the Department's standard Fedwire format is included in the technical instructions provided all program participants.

- 3) Fedwire is not a routine electronic funds transfer option. If a taxpayer uses this emergency backup option, taxpayer must contact the Department by telephone in advance to provide notification of the emergency situation.

(Source: WAV May 1998 23 Ill. Reg. 504.100, effective 5/1/98)

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- 1) Heading of the Part: Lobbyist Registration and Reports
- 2) Code Citation: 2 Ill. Adm. Code 560
- 3) Section Numbers: 560.371  
Adopted Action:  
Added
- 4) Statutory Authority: Implementing and authorized by the Lobbyist Registration Act [25 ILCS 170] (See P.A. 90-78 and 90-737.)
- 5) Effective Date: May 3, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) This rulemaking is available for public inspection at the Index Department, 111 East Monroe, Springfield IL 62756-0001.
- 9) Notice of Proposal Published in Illinois Register: December 28, 1998; 22 Ill. Reg. 22218
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference between proposal and final version: None. The text is identical as it appeared as an emergency amendment published at 22 Ill. Reg. 22422.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect: Yes.  
The text of the rules is identical to the emergency amendment published in the December 28, 1998 Register, Issue 52.
- 14) Are there any amendments pending on this Part? Yes  

| Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|----------------------------|
| 560.100         | Amend           | 23 Ill. Reg. 5235          |
| 560.402         | Amend           | 23 Ill. Reg. 5235          |
| 560.420         | Amend           | 23 Ill. Reg. 5235          |
- 15) Summary and Purpose of Amendments: These amendments clarify the Lobbyist Registration Act's requirement of two notifications and the manner in which lobbyists may satisfy this requirement.
- 16) Information and questions regarding this adopted amendment shall be directed to:



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Cherri A. Montgomery  
Director  
Index Department  
111 East Monroe  
Springfield IL 62756-0001

The full text of the Adopted Amendment begins on the next page:

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TITLE 2: GOVERNMENTAL ORGANIZATION  
CHAPTER III: SECRETARY OF STATE

## PART 560

## LOBBYIST REGISTRATION AND REPORTS

## SUBPART A: DEFINITIONS

Section  
560.100 Definitions

## SUBPART B: LOBBYIST REGISTRATION

Section  
560.200 Persons Required to Register  
560.205 Designation and Duties of Authorized Agent  
560.210 Persons Not Required to Register  
560.220 Registration Requirements  
560.230 Failure to Register (Repealed)

## SUBPART C: REPORTING REQUIREMENTS

Section  
560.300 Persons Required to File Expenditure Reports  
560.305 Time, Place and Manner for Filing Expenditure Reports  
560.310 Categorizing Expenditures  
560.315 Allocating Expenditures  
560.320 Large Gatherings and Giveaways  
560.325 Reporting Expenditures by Participants in Grass Roots Lobbying Events  
560.326 Registrant's Duties for Grass Roots Lobbying Events  
560.330 Expenditures for Immediate Family Members of Officials  
560.340 Travel and Lodging Accommodations for Officials  
560.345 Members of Legislative or State Study Committees  
560.350 Personal and Office Expenses  
560.355 Registrant's Duties for Grass Roots Lobbying Events (Repealed)  
560.360 Salaries, Fees and Compensation  
560.365 Contributions Reported Under the Election Code  
560.370 Returned Gifts and Honoraria/Reimbursement by Official  
560.371 Lobbyist Notifications to Officials  
560.372 Official's Clarification Notice  
560.375 Reports in the Absence of Reportable Expenditures  
560.380 Amending Reports  
560.385 Termination of Lobbying Activities  
560.390 Failure to File Registration Statements and Expenditure Reports  
560.395 Preservation of Records

## SUBPART D: PUBLIC DISCLOSURE

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## Section

560.400 Requests for Reports  
 560.402 Location and Business Hours  
 560.405 Official Forms  
 560.410 List of Officials  
 560.420 Fees

## APPENDIX A Lobbyist Registration Statements

ILLUSTRATION A Form R1: Lobbyist Registration Statement - For Individual/Firm/Partnership/Committee/Association/Corporation or any Other Organization Employing a Lobbyist on Their Own Behalf (Repealed)

ILLUSTRATION B Form R2: Lobbyist Registration Statement - For Individual/Firm/Partnership/Committee/Association/Corporation or any Other Organization Who Performs Lobbying Services on Behalf of Another (Repealed)

ILLUSTRATION C Attachment R1/R2: Lobbyist Registration Attachment - For Individual Lobbyist (Repealed)

ILLUSTRATION D Form R3: Lobbyist Registration Attachment - For Addition or Deletion of Affiliated Lobbyists (Repealed)

ILLUSTRATION E Form R4: Lobbyist Registration Attachment - For Addition or Deletion of Affiliated Clients (Repealed)

## APPENDIX B Lobbyist Expenditure Reports

ILLUSTRATION A Form S1: Lobbyist Expenditure Report - Summary of Reportable Expenditures (Repealed)

ILLUSTRATION B Schedule 1A/2A: Lobbyist Expenditure Report - Itemized Expenditures for Travel and Lodging or Meals, Beverages and Entertainment (Repealed)

ILLUSTRATION C Schedule 1B/2B: Lobbyist Expenditure Report - Non-Itemized Expenditures for Travel and Lodging or Meals, Beverages and Entertainment (Repealed)

ILLUSTRATION D Schedule 2C/3C: Lobbyist Expenditure Report - Expenditures for Large Gatherings or Giveaways (Repealed)

ILLUSTRATION E Schedule 3A/4A: Lobbyist Expenditure Report - Itemized Expenditures for Gifts or Honoraria (Repealed)

ILLUSTRATION F Schedule 3B/4B: Lobbyist Expenditure Report - Non-Itemized Expenditures for Gifts and Honoraria (Repealed)

ILLUSTRATION G Schedule GR1: Lobbyist Expenditure Notification - Expenditures Notification in Connection with a Grass Roots Lobbying Event (Repealed)

AUTHORITY: Implementing and authorized by the Lobbyist Registration Act [25 ILCS 170].

SOURCE: Adopted at 18 Ill. Reg. 22532, effective January 1, 1994; amended at 21 Ill. Reg. 405, effective January 1, 1997; emergency amendment at 22 Ill. Reg. 22419, effective December 8, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 6036, effective MAY 3 - 1999.

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## SUBPART C: REPORTING REQUIREMENTS

## Section 560.371 Lobbyist Notifications to Officials

Pursuant to Sections 6 and 6.5 of the Act, lobbyists shall send two notifications to each official on whose behalf an expenditure was incurred during the reporting period.

- a) At least 25 days prior to the filing deadline for the report (January 6 for the annual report and July 6 for the semi-annual report), lobbyists shall notify each official for whom an expenditure will be reported of the total amount of each expenditure, the date on which each expenditure was incurred, and, if applicable, the subject matter of the lobbying activity. Lobbyists may either provide an official with a copy of the report, or a separate notification pertaining to the expenditures of that official only.
- b) Within 30 days after a filing deadline (March 2 for the annual report and August 30 for the semi-annual report), lobbyists shall again notify each official for whom an expenditure was reported of the total amount of the expenditure, the date on which the expenditure was incurred, and, if applicable, the subject matter of the lobbying activity.
- c) Lobbyists shall not send the Secretary of State a copy of the notifications to officials.

(Source: Added at 23 Ill. Reg. 5856, effective MAY 3 - 1999.)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Illinois State Library Training Program Grants
- 2) Code Citation: 23 Ill. Adm. Code 3070
- 3) Section numbers:
- |          |                        |
|----------|------------------------|
| 3070.100 | <u>Adopted Action:</u> |
| 3070.110 | Amendment              |
| 3070.130 | Amendment              |
| 3070.140 | Amendment              |
| 3070.160 | Amendment              |
| 3070.170 | Amendment              |

- 4) Statutory Authority: Implementing and authorized by Sections 2 and 7(q) of the State Library Act (15 ILCS 320/2 and 7) and the Library Services and Technology Act (920 USC 9121 et seq.).

- 5) Effective Date of Amendments: May 3, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain an incorporation by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. The amendment is on file at the 2nd floor reference desk at the Illinois State Library, 300 South 2nd St., Springfield, Illinois.

- 9) Notice(s) of Proposal published in Illinois Register: December 4, 1998 (22 Ill. Reg. 20806)

- 10) Has JCAR issued a Statement of Objection to these amendments? No

- 11) Difference(s) between proposal and final version: The non-substantive changes in the rules requested by the Joint Committee prior to the Second Notice Period were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable

- 13) Will this amendment replace an emergency rule currently in effect? Yes

- 14) Are there any amendments pending on this Part? No

- 15) Summary and purpose of amendments: Training grant recipients will be allowed to meet the work requirements in public and non-public libraries. Applicants will be allowed to attend any graduate library school accredited by the American Library Association.

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- 16) Information and questions regarding this adopted amendment shall be directed to:

Kathleen Bloomberg  
Associate Director for Communications & Planning  
Illinois State Library  
300 S. Second Street  
Springfield, IL 62701-1796  
(217)785-0052  
(217)782-8261 (fax)  
kbloomberg@library.sos.state.il.us

The full text of the adopted amendments begins on the next page:





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incorporated--free--public--libraries--not-established-by-a-government unit--

"Resident of Illinois" shall mean a person who is domiciled in Illinois for one calendar year prior to application, or a person who is a domiciliary of Illinois and registered to vote votes in Illinois but is attending a school of higher education an-undergraduate-school outside of Illinois.

"Secretary of State" or "Secretary" shall mean the Illinois Secretary of State, who is the State Librarian.

"State Library" shall mean the Illinois State Library, as established pursuant to the State Library Act (Ill. Rev. Stat. 1917, Ch. 128, pars. 101 et seq.) [5 ILCS 320].

"Training Program" shall mean the Illinois State Library Training Program, as established by this Part.

(Source: Amended at 23 Ill. Reg. 5861, effective MAY 3 - 1999)

## Section 3070.130 Illinois Library Schools and Attendance Requirements

a) The grant shall be awarded only to individuals students who will attend an American Library Association accredited graduate school in Illinois.

b) The accredited library-graduate schools in Illinois and their required hours of instruction for full-time students are:

- 1) Rosary College in River Forest, Illinois, requires a minimum of 3 courses per semester, a minimum of 2 courses per semester during summer instruction, and a total of 12 courses successfully completed for the award of a degree.
- 2) The University of Illinois in Urbana, Illinois, requires a minimum of 3 units or 12 credits per semester, and a total of 10 units for the award of a degree.

(Source: Amended at 23 Ill. Reg. 5861, effective MAY 3 - 1999)

## Section 3070.140 Eligibility Requirements

a) Each applicant must be a resident of Illinois and a citizen of the United States or its territories.

b) Each applicant must have received a Bachelor's degree from an accredited college or university (with a transcript of all academic work submitted to the Illinois State Library).

c) Each applicant must be accepted at a graduate library school in Illinois accredited by the American Library Association.

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d) Each applicant must agree to sign an agreement with the State of Illinois, Illinois State Library, consenting to spend the equivalent of two years in full-time Illinois public library service within the first three years following graduation from graduate library school. Service must be in an Illinois library and information network (ILINET) public library, Illinois library system or at the Illinois State Library.

e) Each applicant must not have commenced their graduate study for the Master of Library and Information Science.

(Source: Amended at 23 Ill. Reg. 5861, effective MAY 3 - 1999)

## Section 3070.160 Selection of Training Program Grantees

a) A grant will be awarded to those applicants (not to exceed 15 per calendar year) who possess the best academic performance, i.e., grade point average, in comparison to the other applicants, and to the applicant's peers in his or her undergraduate school, whose personal interview by the State Library staff and a committee appointed by the Director of the Illinois State Library Advisory Committee's subcommittee on Public Library Services and whose answer to the essay question on the application form show the applicant to be a person genuinely interested in becoming a librarian in Illinois (i.e., by identifying their personal goals and by demonstrating their intellectual curiosity, initiative, leadership ability, flexibility, punctuality, dependability, creativity, and resourcefulness, among other qualities), whose extracurricular activities in college show the applicant to be a student with interest which can contribute to his or her success as a librarian; whose personal references recommend the applicant for the grant; and whose positive attitude and demeanor toward his or her work show that the applicant will work well in the library community, and who is likely to succeed academically in the Master of Library and Information Science program based upon his or her past academic and extracurricular performance.

b) Only applications which are postmarked by May 1 of each calendar year will be considered.

c) The successful grant applicants will be notified by August 1 of each calendar year.

d) The final decision regarding each applicant will be made by the Director of the State Library.

(Source: Amended at 23 Ill. Reg. 5861, effective MAY 3 - 1999)

## Section 3070.170 Conditions of Training Program Grants

a) The applicants must submit proof of acceptance but not be enrolled in

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the graduate library program at a school specified in Section 3070.130(b) of this Part by May 1 of each calendar year. No grant award may be utilized to defray or otherwise reimburse previous study and applicants may not be enrolled in the above-referenced graduate library at the time of submission of said application.

b) The successful applicant must notify the State Library in writing of his/her proposed date of graduation from the Master of Library and Information Science program at least four (4) months before the date of graduation.

c) The successful applicant must immediately notify in writing the State Library of other grants or loans being accepted by the applicant.

d) The successful applicant must commence the Master of Library and Information Science program at the beginning of the next Fall academic semester (unless the grantee has requested to begin studies with summer enrollment), and must continue on a full or a part-time basis with no interruptions or leaves of absence except upon the written approval of the Director of the State Library after consideration of the applicant's written request, i.e., personal emergency, illness, or disability.

e) Recipient must forward an original or photocopy of the college's or university's official notification of grades of graduate library school courses for each semester of study to the Illinois State Library Training Program Grants Committee within thirty days following the semester's conclusion.

f) Training Program Grant is subject to cancellation if a grade C average for each semester of graduate library courses is not maintained.

g) If, for any reason, the grant recipient is unable to complete the required course program and receive the Master of Library and Information Science Degree, the recipient must refund the total amount of money received. The grant must also be repaid if the recipient fails to fulfill the personal services agreement for two years of full-time work in a qualifying Illinois library. In the event of other extenuating circumstances (i.e., unplanned, unforeseen crisis, emergencies, or situations beyond the recipient's control), the responsibility of the recipient will be reviewed and determined by the Director of the Illinois State Library.

h) The recipient must satisfy the requirements of the personal services agreement with the Illinois State Library within the first three years following graduation from graduate library school. The recipient must submit to the Illinois State Library proof of employment by an ~~ILLINET~~ ~~Illinois-public~~ library, Illinois library system or the Illinois State Library and proof of continued employment in such a library until the two-year work agreement has been fulfilled.

i) The successful applicant must sign a written agreement evidencing all of these terms and conditions at the time of acceptance of the grant.

j) The failure, either by neglect or willful misconduct, of the applicant to strictly adhere to the subsections (a) through (i) of this Section shall result in the forfeiture of the grant, and the grant shall be

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paid back to the State Library. If the two year work agreement is not fulfilled, the recipient shall repay the amount of the grant, or repay a pro-rated amount if only a fraction of the time is worked in a public library. The Director shall send a written paycheck order to the applicant. If the applicant wishes to contest the paycheck order, he or she shall be entitled to request a personal hearing before the Director. The request for a hearing must be made within 30 days after of the date of the paycheck order. The hearing date, time, and location will be stated in a letter to the successful applicant which will be sent within 15 days after of the receipt of the hearing request. The decision after the hearing by the Director is final.

1) The grant shall be paid back at the rate of at least \$100.00 per month, commencing within 90 days after of the applicant's leaving the Master's ~~Masters~~ program without successful completion or completion of the public library service agreement.

2) No interest on the unpaid balance shall be charged.

3) The State Library shall use the offset procedure with the Illinois Comptroller (74 Ill. Adm. Code 285) and the Illinois State Collection Act of 1986 (~~Ill-Rev-Stat-1991-ch-157-par-151-et-seq-7~~ [30 ILCS 210] to collect any unpaid monies due to the State Library by any applicant.

(Source: Amended at 23 Ill. Reg. 2061-2-1, effective MAY 3 - 1999)



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill Adm. Code 1
- 3) Section Number: 1.2020  
Emergency Action: Amend
- 4) Statutory Authority: 30 ILCS 500
- 5) Effective Date of Amendments: April 29, 1999
- 6) If this emergency rule is to expire before end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire when the Department of Central Management Services adopts the proposed amendment at 23 Ill. Reg. 2824.
- 7) Date Filed with the Index Department: April 29, 1999
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The Procurement Policy Board suggested the rule change should be implemented immediately. Agency procurement staff need to concentrate on the large dollar value procurements in order to make best use of limited resources and best protect the State's interests.
- 10) A Complete Description of the Subjects and Issues Involved: Raises the small purchase threshold for supplies and services from \$10,000 to \$25,000.
- 11) Are there any proposed amendments to this Part pending? Yes
- | Section Number | Proposed Action | Ill. Reg. Citation |
|----------------|-----------------|--------------------|
| 1.2020         | Amend           | 23 Ill. Reg. 2735  |
| 1.2020         | Amend           | 23 Ill. Reg. 2824  |
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this amendment shall be directed to:

Stephen W. Seiple  
720 Stratton Office Building  
Springfield IL 62706  
217/782-9669

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

The full text of the emergency amendment begins on the next page:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

## TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT

## SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## PART 1

## STANDARD PROCUREMENT

## SUBPART A: GENERAL

| Section | Title  |
|---------|--|
| 1.01    | Policy   |
| 1.05    | Purpose and Implementation of This Part                        |
| 1.08    | Application  |
| 1.10    | Definition of Terms Used in This Part                          |
| 1.15    | Property Rights  |
| 1.25    | Constitutional Officers, and Legislative and Judicial Branches |
| 1.30    |  |

## SUBPART B: PROCUREMENT RULES

| Section | Rules |
|---------|-------|
| 1.525   |       |

## SUBPART C: PROCUREMENT AUTHORITY

## Section

|        |   |
|--------|---|
| 1.1005 | Exercise of Procurement Authority             |
| 1.1010 | Appointment of State Purchasing Officer       |
| 1.1030 | Associate Procurement Officers                |
| 1.1040 | Central Procurement Authority of the CPO      |
| 1.1050 | Procurement Authority of the SPO; Limitations |
| 1.1060 | Delegation                                    |
| 1.1070 | Toll Highway Authority                        |
| 1.1075 | Department of Natural Resources               |
| 1.1080 | Illinois Mathematics and Science Academy      |

## SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

## Section

|        |                                   |
|--------|-----------------------------------|
| 1.1510 | Illinois Procurement Bulletin     |
| 1.1525 | Bulletin Content                  |
| 1.1550 | Official State Newspaper          |
| 1.1560 | Supplemental Notice               |
| 1.1570 | Error in Notice                   |
| 1.1580 | Direct Solicitation               |
| 1.1590 | Retention of Bulletin Information |

## SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

| Section |                              |
|---------|------------------------------|
| 1.2005  | General Provisions           |
| 1.2010  | Competitive Sealed Bidding   |
| 1.2012  | Multi-Step Sealed Bidding    |
| 1.2015  | Competitive Sealed Proposals |
| 1.2020  | Small Purchases              |

## EMERGENCY

|        |   |
|--------|---|
| 1.2025 | Sole Economically Feasible Source Procurement                           |
| 1.2030 | Emergency Procurements  |
| 1.2035 | Competitive Selection Procedures for Professional and Artistic Services |
| 1.2036 | Other Methods of Source Selection                                       |
| 1.2037 | Tie Bids and Proposals  |
| 1.2038 | Mistakes  |
| 1.2040 | Cancellation of Solicitations; Rejection of Bids or Proposals           |

## SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

## Section

|        |                          |
|--------|--------------------------|
| 1.2043 | Suppliers                |
| 1.2044 | Vendor List/Required Use |
| 1.2045 | Prequalification         |
| 1.2046 | Responsibility           |

## SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

## Section

|        |                       |
|--------|-----------------------|
| 1.2047 | Security Requirements |
|--------|-----------------------|

## SUBPART H: SPECIFICATIONS AND SAMPLES

## Section

|        |                            |
|--------|----------------------------|
| 1.2050 | Specifications and Samples |
|--------|----------------------------|

## SUBPART I: CONTRACT TYPE

## Section

|        |                    |
|--------|--------------------|
| 1.2055 | Types of Contracts |
|--------|--------------------|

## SUBPART J: DURATION OF CONTRACTS

## Section

|        |                                 |
|--------|---------------------------------|
| 1.2060 | Duration of Contracts - General |
|--------|---------------------------------|

## SUBPART K: CONTRACT MATTERS

## Section

|        |                 |
|--------|-----------------|
| 1.2560 | Prevailing Wage |
|--------|-----------------|

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

1.2570 Equal Employment Opportunity; Affirmative Action

## SUBPART L: CONTRACT PRICING

## Section

1.2800 All Costs Included

## SUBPART M: CONSTRUCTION AND CONSTRUCTION RELATED PROFESSIONAL SERVICES

## Section

1.3005 Construction and Construction Related Professional Services

## SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

## Section

1.4005 Real Property Leases and Capital Improvement Leases

## SUBPART O: PREFERENCES

## Section

1.4505 Procurement Preferences  
 1.4510 Resident Bidder Preference  
 1.4530 Correctional Industries  
 1.4535 Sheltered Workshops for the Disabled  
 1.4540 Gas Mileage  
 1.4545 Small Business  
 1.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

## SUBPART P: ETHICS

## Section

1.5013 Conflicts of Interest  
 1.5015 Negotiations for Future Employment  
 1.5020 Exemptions  
 1.5030 Revolving Door  
 1.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

## SUBPART Q: CONCESSIONS

## Section

1.5310 Concessions

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

## Section

1.5510 Complaints Against Vendors

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

1.5520 Suspension  
 1.5530 Resolution of Contract Controversies  
 1.5540 Violation of Law or Rule  
 1.5550 Protests

## SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

## Section

1.6010 Supply Management and Dispositions

## SUBPART T: GOVERNMENTAL JOINT PURCHASING

## Section

1.6500 General  
 1.6510 No Agency Relationship  
 1.6520 Obligations of Participating Governmental Units  
 1.6530 Centralized Contracts - Estimated Quantities  
 1.6535 Centralized Contracts - Definite Quantities

## SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

## Section

1.7000 Severability  
 1.7010 Government Furnished Property  
 1.7015 Inspections  
 1.7020 Records and Audits  
 1.7025 Written Determinations  
 1.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500] (see P.A. 90-572).

SOURCE: Adopted at 7 Ill. Reg. 100, effective December 17, 1982; amended at 7 Ill. Reg. 13481, effective October 4, 1983; amended at 7 Ill. Reg. 13844, effective October 12, 1983; codified at 8 Ill. Reg. 14941; Sections 1.2210, 1.2220, 1.2230, 1.2240 recodified to Section 1.2210 at 9 Ill. Reg. 6118; amended at 10 Ill. Reg. 923, effective January 2, 1986; amended at 10 Ill. Reg. 18707, effective October 22, 1986; amended at 11 Ill. Reg. 7225, effective April 6, 1987; amended at 11 Ill. Reg. 7595, effective April 14, 1987; amended at 13 Ill. Reg. 17804, effective November 7, 1989; emergency amendment at 16 Ill. Reg. 13118, effective August 7, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 600, effective January 5, 1993; amended at 17 Ill. Reg. 14576, effective August 27, 1993; amended at 20 Ill. Reg. 9015, effective July 1, 1996; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12632, effective July 1, 1998, for a maximum of 150 days and new Part adopted by emergency rulemaking at 22 Ill. Reg. 12726, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20875, effective November 25, 1998; emergency amendment at 23 Ill. Reg. 2812, effective February 16, 1999, for a maximum of 150 days; emergency amendment at



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

23 Ill. Reg. 5869, effective April 29, 1999, for a maximum of 150 days.

## SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

## Section 1.2020 Small Purchases

EMERGENCY

## a) Application

1) Procurements of \$25,000 \$107,000 or less for supplies or services, other than professional and artistic, and \$30,000 or less for construction may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.

2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.

3) The CPO shall announce any change identified by the United States Department of Labor in the Consumer Price Index for All Urban Consumers for the period ending December 31, 1998, and for each year thereafter. That percentage change shall be used to calculate the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter.

b) In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals, determined in good faith, shall be utilized. The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.

c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a) above).

d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.

e) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.

f) If there is a repetitive need for small procurements of the same type, the Procurement Officer shall consider issuing a competitive sealed bid or proposal for procurement of those needs.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

g) Agencies shall establish policies to control the use of this small purchase provision and shall make those policies available to the CPO upon request.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 5869, effective April 29, 1999, for a maximum of 150 days)

## ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Functions and Planning Program
- 2) Code Citation: 23 Ill. Adm. Code 2310
- 3) Section Number(s):  
2310.80 Emergency Action:  
Amendment
- 4) Statutory Authority: Implementing Sections 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act [110 ILCS 1015/5.01, 5.07 and 5.13].
- 5) Effective Date of Amendment: April 30, 1999
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it expires: Not applicable
- 7) Date Filed with the Index Department? April 30, 1999
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Reason for the Emergency: The Authority Board just recently determined that the fee charged to its constituents could be lowered. The lower fee will work to the benefit of the private not for profit organizations which will allow them to further provide benefits to the people of Illinois. The Authority provides financial assistance to enable private institutions of higher education and cultural institutions in the State to finance or to refund or refinance outstanding indebtedness incurred as a result of constructing or acquiring educational or cultural facilities and structures.

- 10) A Complete Description of the Subjects and Issues Involved: Section 2310.80 is being amended to decrease the Annual Fee which the Authority charges to institutions which have outstanding financings through the Authority. The decrease in the Annual Fee is being proposed because the Annual Fee is a user fee intended to reimburse the Authority for the cost of providing services. The Authority projects that the Annual Fee revenue at the lower rate will be sufficient for the Authority to meet its operating expenses. Furthermore, the lower fee will relieve the fiscal burden on not for profit organizations, thereby constituting a public interest.

- 11) Are there any other amendments pending on this Part? No

- 12) Statement of Statewide Policy Objectives: This emergency amendment does not create or expand a State mandate.

## ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

## NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this amendment shall be directed to:

Thomas P. Conley  
Executive Director  
Illinois Educational Facilities Authority  
120 South Riverside Plaza, Suite 1200  
Chicago, Illinois 60606  
(312) 876-6809

The full text of the Emergency Amendment begins on the next page:

## ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

## ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

## NOTICE OF EMERGENCY AMENDMENT

## NOTICE OF EMERGENCY AMENDMENT

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER XIV: ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

## PART 2310

## FUNCTIONS AND PLANNING PROGRAM

|           |   |
|-----------|---|
| Section   | Introduction  |
| 2310.5    | Who May Apply for Financing   |
| 2310.10   | Types of Educational and Cultural Facilities that can be Financed   |
| 2310.20   | Types of Costs that can be Financed: Outstanding Debt   |
| 2310.30   | Interest Rate on the Authority's Bonds  |
| 2310.40   | Method of Financing   |
| 2310.50   | Length of Bond Issue  |
| 2310.60   | Type of Bond Issue  |
| 2310.70   | Fees  |
| 2310.80   |   |
| EMERGENCY |   |
| 2310.90   | Authority Bond Issues and Bond Ratings (Repealed)   |
| EXHIBIT A | Estimated Fee Schedule as Special Bond Counsel with Respect to Bonds Issued by Illinois Educational Facilities Authority (Repealed) |

AUTHORITY: Implementing Sections 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act [110 ILCS 1015/5.01, 5.07 and 5.13].

SOURCE: Filed December 23, 1977; amended at 4 Ill. Reg. 29, p. 270, effective July 2, 1980; amended at 6 Ill. Reg. 7414, effective July 1, 1982; codified at 7 Ill. Reg. 16396; amended at 8 Ill. Reg. 5192, effective April 6, 1984; amended at 8 Ill. Reg. 8444, effective June 5, 1984; amended at 10 Ill. Reg. 10569, effective June 30, 1986; amended at 11 Ill. Reg. 9106, effective April 28, 1987; amended at 11 Ill. Reg. 10600, effective May 26, 1987; amended at 13 Ill. Reg. 7898, effective May 15, 1989; amended at 17 Ill. Reg. 9680, effective July 1, 1993; amended at 20 Ill. Reg. 10336, effective July 1, 1996; amended at 21 Ill. Reg. 8926, effective July 1, 1997; emergency amendment at 23 Ill. Reg. 5069, effective April 30, 1999, for a maximum of 150 days.

## Section 2310.80 Fees

## EMERGENCY

a) The Authority charges the following fees to participating institutions for the services it provides:

- 1) Application Fee - for processing an Application for Assistance. - An "Application Fee", based upon the following schedule, is payable upon submission of an application and is not refundable:
- A) \$250 on issues up to but not including \$1,000,000 principal

- amount;
- B) \$500 on issues of \$1,000,000 up to but not including \$5,000,000 principal amount; and
  - C) \$1,000 on issues of \$5,000,000 principal amount and over.

AGENCY NOTE: This fee will be credited to the Administrative Charge upon completion of the related bond financing.

- 2) Administrative Charge - for completing a bond financing. - An "Administrative Charge" equal to 1/4 of 1% of the principal amount of bonds issued or \$10,000, whichever is less minus the Application Fee paid, will be assessed at the closing of a financing.

AGENCY NOTE: The Administrative Charge includes the Annual Fee for the fiscal year in which the bonds are issued.

- 3) Annual Fee - for servicing a bond financing during a fiscal year. - An "Annual Fee" will be assessed for each bond issue outstanding on July 1 of each year. For Annual Fees coming due on or after July 1, 1997, the Annual Fee shall be 1/100 of 1% of the original amount of the financing or \$7,500, whichever is less. The Annual Fee is payable in advance and is not refundable.

- b) These fees are designed to cover the operating expenses of the Authority. In addition, the participating institutions will be expected to bear all other costs of the financing, including trustee's fees, printing expenses, the financial advisor's fee, and the fee and disbursements of bond counsel. These fees may be financed with bond proceeds.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 5069, effective April 30, 1999, for a maximum of 150 days)



DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: 112.78  
Emergency Action: Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].
- 5) Effective Date of Amendments: May 1, 1999
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable
- 7) Date filed with the Index Department: April 28, 1999
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency:

This rulemaking complements the rulemaking found at 89 Ill. Adm. Code 112.2. That rulemaking was filed as an emergency and proposed in January 1999. It implemented a recommendation from the Governor's Commission on the Status of Women to "stop the clock" on the 60-month limit on receipt of TANF benefits for persons attending full-time post-secondary education with a 2.5 or better grade point average (on a 4.0 scale).

The Department received many comments on this rulemaking, many of which indicated inconsistencies with requirements in 89 Ill. Adm. Code 112.2 as opposed to the language in 89 Ill. Adm. Code 112.78 that describes the Post-Secondary Education component. Therefore, to adequately describe the program as warranted by further review of the rule and comments, it has been determined that 89 Ill. Adm. Code 112.78 must also be revised. But as it was not included in the original rulemaking in January, the Department must start the process over for 89 Ill. Adm. Code 112.78.

The proposed changes contain important protections for clients who meet the requirements of the program, so this rulemaking (89 Ill. Adm. Code 112.78) is being filed as an emergency rulemaking also to ensure those clients continue to receive those protections.

- 10) A Complete Description of the Subject and Issues:

Changes are being made to clarify the post-secondary education provisions

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

and in response to comments received on amendments proposed by the Department to 89 Ill. Adm. Code 112 (published January 22, 1999, at 23 Ill. Reg. 831) regarding the time limit on receipt of benefits for clients enrolled in post-secondary education. As a result of these proposed amendments, approval of post-secondary education will be part of the process of developing the Responsibility and Services plan (RSP) with the client. Factors which will be considered when the determination is being made as to whether post-secondary education is appropriate will include, but are not limited to, the client's educational and work history, the client's aptitude for further education, the clients' career goal, the client's ability to finance tuition and other expenses not provided by the Department, and the client's ability to arrange transportation, child care and other family obligations.

This rulemaking also establishes that clients with an approved RSP for full-time post-secondary education and a cumulative 2.5 or better grade point average (on a 4.0 scale) may not be subject to the minimum work requirement described in 89 Ill. Adm. Code 112.78(h)(1)(L) as follows:

1. For the first semester, while the client is establishing a grade point average, the client will not be subject to the minimum work requirement. If a 2.5 grade point average is not achieved in the first semester, the client will be subject to the minimum work requirement in the second semester.
2. As long as the client's cumulative GPA remains at least 2.5, the client will not be subject to the minimum work requirement.
3. If the client's cumulative GPA falls below 2.5 at any time, the client may continue to go to school full-time for another semester without being subject to the minimum work requirement.
4. If the cumulative GPA is below 2.5 for 2 semesters in a row, the client will be subject to the minimum work requirement.

- 11) Are there any other amendments pending on this Part Yes

| Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|----------------------------|
| 112.2           | New Section     | 23 Ill. Reg. 831           |
| 112.10          | Amendment       | 23 Ill. Reg. 384           |
| 112.131         | Amendment       | 23 Ill. Reg. 4586          |
| 112.134         | Amendment       | 23 Ill. Reg. 4586          |
| 112.141         | Amendment       | 23 Ill. Reg. 4586          |
| 112.155         | Amendment       | 23 Ill. Reg. 4586          |
| 112.250         | Amendment       | 23 Ill. Reg. 4586          |

- 12) Statement of Statewide Policy Objectives (if applicable): This

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

rulemaking does not create or expand a State mandate.

13) Information and questions regarding these amendments shall be directed to:

Ms Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

## PART 112

## TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

## SUBPART A: GENERAL PROVISIONS

| Section |   |
|---------|---|
| 112.1   | Description of the Assistance Program           |
| 112.5   | Incorporation by Reference                      |
|         | SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY |

| Section |   |
|---------|---|
| 112.8   | Caretaker Relative  |
| 112.9   | Client Cooperation  |
| 112.10  | Citizenship   |
| 112.20  | Residence   |
| 112.30  | Age   |
| 112.40  | Relationship  |
| 112.50  | Living Arrangement  |
| 112.52  | Social Security Numbers                                       |
| 112.54  | Assignment of Medical Support Rights                          |
| 112.60  | Basis of Eligibility  |
| 112.61  | Death of a Parent (Repealed)                                  |
| 112.62  | Incapacity of a Parent (Repealed)                             |
| 112.63  | Continued Absence of a Parent (Repealed)                      |
| 112.64  | Unemployment of the Parent (Repealed)                         |
| 112.65  | Responsibility and Services Plan                              |
| 112.66  | Alcohol and Substance Abuse Treatment                         |
| 112.67  | Restriction in Payment to Households Headed by a Minor Parent |
| 112.68  | School Attendance Initiative                                  |
| 112.69  | Felons and Violators of Parole or Probation                   |

## SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

| Section | Employment and Work Activity Requirements            | Work Activity |
|---------|--|---------------|
| 112.70  | Employment and Work Activity Requirements            |               |
| 112.71  | Individuals Exempt from TANF Employment Requirements |               |
| 112.72  | Participation/Cooperation Requirements               |               |
| 112.73  | Adolescent Parent Program (Repealed)                 |               |
| 112.74  | Responsibility and Services Plan                     |               |
| 112.75  | Teen Parent Personal Responsibility Plan (Repealed)  |               |
| 112.76  | TANF Orientation                                     |               |
| 112.77  | Reconciliation and Fair Hearings                     |               |

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## TANF Employment and Work Activities

|        |  |
|--------|--|
| 112.78 | EMERGENCY  |
| 112.79 | Sanctions  |
| 112.80 | Good Cause for Failure to Comply with TANF Participation Requirements  |
| 112.81 | Responsible Relative Eligibility for JOBS (Repealed)                   |
| 112.82 | Supportive Services  |
| 112.83 | Teen Parent Services   |
| 112.84 | Work Experience Evaluation Project (Repealed)                          |
| 112.85 | Four Year College/Vocational Training Demonstration Project (Repealed) |

## SUBPART E: PROJECT ADVANCE

|         |   |
|---------|---|
| Section |   |
| 112.86  | Project Advance (Repealed)  |
| 112.87  | Project Advance Experimental and Control Groups (Repealed)  |
| 112.88  | Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed) |
| 112.89  | Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)   |
| 112.90  | Project Advance Sanctions (Repealed)  |
| 112.91  | Good Cause for Failure to Comply with Project Advance (Repealed)  |
| 112.93  | Individuals Exempt From Project Advance (Repealed)  |
| 112.95  | Project Advance Supportive Services (Repealed)  |

## SUBPART F: EXCHANGE PROGRAM

|         |                             |
|---------|-----------------------------|
| Section |                             |
| 112.98  | Exchange Program (Repealed) |

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

|         |   |
|---------|---|
| Section |   |
| 112.100 | Unearned Income   |
| 112.101 | Unearned Income of Stepparent or Parent   |
| 112.105 | Budgeting Unearned Income   |
| 112.106 | Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision |
| 112.107 | Initial Receipt of Unearned Income  |
| 112.108 | Termination of Unearned Income  |
| 112.110 | Exempt Unearned Income  |
| 112.115 | Education Benefits  |
| 112.120 | Incentive Allowances  |
| 112.125 | Unearned Income In-Kind   |
| 112.126 | Earmarked Income  |
| 112.127 | Lump-Sum Payments   |
| 112.128 | Protected Income (Repealed)   |
| 112.130 | Earned Income   |

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

|         |   |
|---------|---|
| 112.131 | Earned Income Tax Credit  |
| 112.132 | Budgeting Earned Income   |
| 112.133 | Budgeting Earned Income of Employed Applicants                        |
| 112.134 | Initial Employment  |
| 112.135 | Budgeting Earned Income For Contractual Employees                     |
| 112.136 | Budgeting Earned Income For Non-Contractual School Employees          |
| 112.137 | Termination of Employment   |
| 112.138 | Transitional Payments (Repealed)                                      |
| 112.140 | Exempt Earned Income  |
| 112.141 | Earned Income Exemption   |
| 112.142 | Exclusion From Earned Income Exemption                                |
| 112.143 | Recognized Employment Expenses  |
| 112.144 | Income from Work-Study and Training Programs                          |
| 112.145 | Earned Income From Self-Employment                                    |
| 112.146 | Earned Income From Roomer and Boarder                                 |
| 112.147 | Income From Rental Property   |
| 112.148 | Payments from the Illinois Department of Children and Family Services |
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- 112.352 Child Care Eligibility (Repealed)
- 112.354 Qualified Provider (Repealed)
- 112.356 Notification of Available Services (Repealed)
- 112.358 Participant Rights and Responsibilities (Repealed)
- 112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
- 112.364 Rates of Payment for Child Care (Repealed)
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## SUBPART K: TRANSITIONAL CHILD CARE

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- 112.400 Transitional Child Care Eligibility (Repealed)
- 112.404 Duration of Eligibility for Transitional Child Care (Repealed)
- 112.406 Loss of Eligibility for Transitional Child Care (Repealed)
- 112.408 Qualified Child Care Providers (Repealed)
- 112.410 Notification of Available Services (Repealed)
- 112.412 Participant Rights and Responsibilities (Repealed)
- 112.414 Child Care Overpayments and Recoveries (Repealed)
- 112.416 Fees for Service for Transitional Child Care (Repealed)
- 112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4,

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effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and

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new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987;

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emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27,



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1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 599, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 1681, effective May 1, 1999, for a maximum of 150 days.

## SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section 112.78 TANF Employment and Work Activities  
EMERGENCY

- a) Education (Below Post-Secondary)  
Participants who are not working are limited to Adult Basic

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Education/GED/BSL and short-term Vocational Training programs lasting less than two years and may be required, in coordination with the education schedule, to participate in Job Readiness activities, job skills training, Job Search, and/or Work Experience at the same time they are attending the education/training program to the extent resources will allow. Co-enrollment in Adult Basic Education/GED/BSL and Vocational Training is encouraged. In this activity, the individual receives information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to testing, counseling and education resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (for example, GED) or alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation.

## 1) Assignment to Education (Below Post-Secondary)

- A) Individuals to be assigned to Education may include but are not limited to individuals:

- i) who do not have a high school degree or equivalent;
  - ii) who have limited English proficiency; and
  - iii) who do not read at or above a 9.0 grade level.
- B) Educational activities may be combined with other activities if it is determined appropriate.

## 2) Approval criteria for education (Below Post-Secondary)

- A) The program selected by the individual must be accredited under State law.

- B) The individual's program must be needed for the participant to complete his or her Responsibility and Services Plan.

- C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.

- D) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

## 3) Participation Requirements

- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

- B) Clients attending a program administered by the Illinois State Board of Education (ISBE) must maintain satisfactory progress as determined by the following:

- i) active participation and pursuit of educational objectives;
- ii) teacher's written remarks;



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- iii) grades;
  - iv) demonstrated competencies;
  - v) classroom exercises; and
  - vi) periodic test/retest results.
- C) ISBE educational providers determine satisfactory progress based on a combination of the indicators listed above and test/retest results. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.
- D) Clients attending a program not administered by ISBE must maintain satisfactory progress as determined by the written policy of the institution. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.
- E) Curriculum changes must be made with the prior approval of TANF staff and will be approved when the change is consistent with the Responsibility and Services Plan.
- F) Except for individuals attending high school, participation in Education (Below Post-Secondary) is limited to 24 months except that the individual may continue in the education program if he or she also works for at least 20 hours each week and the combined hours of work plus credit hours or class hours, as appropriate, equal at least 25 hours each week. Months in which the individual establishes good cause (see Section 112.80) for not participating in the program will not count toward the 24-month limit.
- b) Vocational Training
- Vocational Training is designed to increase the individual's ability to obtain and maintain employment. Vocational Training activities will include vocational skill classes designed to increase a participant's ability to obtain and maintain employment. Vocational Training may include certificate programs. Participants who are not working are limited to short-term Vocational Training programs lasting less than two years and may be required, in coordination with the education/training schedule, to participate in Job Readiness activities, job skills training, Job Search, and/or Work Experience at the same time they are attending the education/training program to the extent resources will allow.
- 1) Approval Criteria For Vocational Training
- A) The individual's program must be accredited under requirements of State law.
  - B) The individual must be underemployed or unemployed and in need of additional training and the training will better prepare the participant to enter the labor force.
  - C) Co-enrollment in Adult Basic Education/GED/ESL and Vocational Training is encouraged if the individual does not

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- have a high school diploma or GED.
- D) The individual must apply for all available educational benefits such as the Pell Grant and scholarships from the Illinois Student Assistance Commission as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- E) The individual must be enrolled full-time as defined by the institution or part-time if full-time is not available or appropriate.
- F) Clients who are working at least 20 hours per week and whose combined work plus credit hours or class hours, as appropriate, equal at least 25 hours per week may be approved for vocational training after the two-year limitation.
- G) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.
- H) Jobs must be available in the chosen field in a specific geographical area where the individual intends to work consistent with the individual's Responsibility and Services Plan upon completion.
- I) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- J) Vocational Training may be combined with other activities if it is determined appropriate.
- K) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.
- 2) Participation Requirements
- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
  - B) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.
  - C) The individual must participate the assigned number of hours each week.
  - D) The client must complete all scheduled program enrollment

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hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.

E) Curriculum changes must be made with the prior approval of TANF and will be approved when the change is consistent with the Responsibility and Services Plan.

## c) Job Readiness

- 1) The Job Readiness activities are designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. These activities help individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.

## 2) Assignment to Job Readiness

Job Readiness activities may be combined with other activities if it is determined appropriate.

## 3) Participation requirements

- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

- B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. If there is a job search activity in the program, the individual must make up to ten acceptable employer contacts in a 30 day period unless the participant shows good faith effort (see subsection (d)(3)(B) of this Section for the definition of "good faith effort").

- C) The individual must participate the number of assigned hours each week.

- D) The individual must respond to a job referral, accept employment and respond to mail-in contact.

## d) Job Search

## 1) Description of Job Search

Job Search may be conducted individually or in groups. Job Search may include the provision of counseling, job seeking skills, training and information dissemination. Group Job Search may include training in a group session.

## 2) Assignment to Job Search

- A) If assessed as job ready, participants will be assigned to Job Search. If job ready clients are unable to find

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employment on their own, they will be reassessed and may be placed in a more appropriate activity within six months.

B) Individuals completing education or vocational training or Job Readiness training may be assigned to Job Search.

C) Job Search may be combined with other activities if it is determined appropriate.

## 3) Participation Requirements

- A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.

- B) Individuals must contact employers in an effort to secure employment. Participants must make up to 20 acceptable employer contacts in a 30-day period.

- C) Acceptable employer contacts may include but are not limited to:

- i) a face-to-face contact with an employer or the employer's representative;
- ii) the completion and return of an application to an employer;
- iii) the completion of a civil service test required for employment with state, local, or the federal government or the completion of a Department of Employment Security (DES) screening test;
- iv) the completion and mailing of a resume with a cover letter to a recognized employer;
- v) reporting to the union hall for union members verified to be in good standing; or
- vi) registration with DES/Illinois Employment and Training Center (IETC).

## e) Community Work Experience

TANF participants who have not found employment and who need orientation to work, work experience or training are placed on a supervised work assignment to improve their employment skills through actual Work Experience at private or not-for-profit employers, organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Participants in Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) such as enrollment as a full-time VISTA Volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) for a Federal office or agency with its consent, and, notwithstanding (31 USC 1342) or any other provision of law, such agency may accept such services but such participants shall not be considered to be Federal employees for any purpose.

## 1) Assignment to Community Work Experience

A) Community Work Experience is for:

- i) participants who will benefit from working for an employer who provides a subsidized employment assignment to improve the individual's opportunity to

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- ii) participants who need experience to prevent deterioration of, or to enhance, existing skills (for example, typing).

B) Entry into Community Work Experience  
Participants are determined to be appropriate for Community Work Experience activity based on an assessment of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including, but not limited to, the individual's case record and Responsibility and Services Plan).

C) Community Work Experience Positions  
Participants shall be assigned to a Community Work Experience position to increase the potential for attaining employment. The date participants are scheduled to begin the work assignment marks the beginning of participation in Community Work Experience.

Community Work Experience activities may be combined with other activities if it is determined appropriate.

D) Enrollment as a full-time VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) is an allowable work activity. Paid work study and some paid JTPA programs are also allowable.

## 2) Participation Requirements

A) The hours of the work assignment for a calendar month shall not exceed the family's monthly TANF grant and food stamp allotment divided by the higher of the State or Federal minimum wage.

B) During work assignment, participants shall be required to perform Job Search activities unless a participant is in an education and training program. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.

C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor.

D) Participants must participate the number of assigned hours each week.

## 3) Review

Every six months, the participant's Responsibility and Services Plan will be reviewed. If continuing the work assignment will benefit participants in terms of furthering work skills (see subsections (e)(1)(A) and (B)), participants shall be reassigned to the same or another work assignment. In addition,

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participants will be assessed for assignment to another TANF activity.

4) Length of Assignment  
Participants must participate in Work Experience for as long as the Responsibility and Services Plan reflects the need for this activity.

5) Anti-Displacement  
Community Work Experience is subject to the provisions of Section 112.78(q).

f) On the Job Training (OJT)  
In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.

## 1) Assignment to OJT

A) Job ready individuals may be assigned to OJT.  
B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.

C) Wages to participants in OJT shall not be less than the higher of the State or Federal minimum wage.

D) Wages to participants in OJT are considered earned income.

E) OJT may be combined with other component activities if it is determined appropriate.

2) Participation Requirements  
The individual must participate the assigned number of hours each week.

## 3) Supportive Services

Participants in OJT receive child care and Medicaid benefits.

## g) Work Supplementation Program

1) The Work Supplementation Program develops employment opportunities for TANF recipients by paying wage subsidies to employers who hire program participants. The program is funded by diverting the cash grant an individual would receive if not employed and using the diverted grant to pay a wage subsidy to the employer who hires the recipient. The goal of the Work Supplementation Program is to obtain jobs for TANF recipients, who might not be hired without a subsidy, with sufficient pay to take them off TANF.

## 2) Eligible Participants

A) TANF participants who meet the selection criteria listed in subsection (g)(2)(B) of this Section are eligible to participate in the Work Supplementation Program. Participation in the program is voluntary. A TANF recipient who wants to participate in the Work Supplementation Program must agree to all provisions in this Section during the time of participation in the program.

B) In order to place special emphasis on people who would not be likely to obtain a job without work supplementation, TANF



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recipients must meet the following criteria for selection to participate in the Work Supplementation Program:

- i) the recipient must be the parent of at least one of the children in the TANF unit;
  - ii) the recipient must have completed the Job Search work activity; and
  - iii) the recipient must have no income other than TANF benefits.
- C) Recipients identified for employment must be determined eligible for participation by their worker. The worker will recommend for participation in the Work Supplementation Program those participants who are likely to encounter difficulty in obtaining employment (for example, lack of skills for which jobs are available in the area, lack of work history).
- D) Nothing in this Section should be construed as providing any recipient the right to participate in the program.
- 3) Benefits and Reporting Requirements While Participating in the Work Supplementation Program
- A) Participants in the Work Supplementation Program are considered to be TANF recipients and remain eligible for Medical Assistance for the duration of their Work Supplementation Program participation. Child care, for cases that are eligible for a cash grant, will be regarded as employment child care.
  - B) The participant must agree to accept wages from employment, which will be at least an amount which would be earned by working full time (30 hours minimum) at the prevailing minimum wage, less applicable payroll taxes.
  - C) Participants are required to file quarterly reports as a requirement for continuing eligibility. Changes in income from sources other than the Work Supplementation Program job and/or circumstances must still be reported within five days after occurrence pursuant to 89 Ill. Adm. Code 102.50.
  - D) Wages paid under a Work Supplementation Program shall be considered to be earned income for purposes of any provision of law (42 USC 1614(e)(3)).
- 4) Duration of Program Participation
- A) Participants may not exceed a total of six months in the Work Supplementation Program subsidized placements regardless of the number of times an individual becomes a TANF recipient. The period of a single assignment is dependent upon the terms of the Work Supplementation Program contract that has been developed with the employer. Recipients will be informed of the length of the Work Supplementation Program subsidy period prior to placement.
  - B) Participants who leave a supported work position without good cause (as defined in Section 112.80) are removed from

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the Work Supplementation Program and are subject to sanction.

## 5) Contracts with Employers

A) Employers that participate in the Work Supplementation Program must enter into a written contract with the Department prior to receiving referrals.

B) Employers must be in good standing (that is, in compliance with all applicable federal, State, county and local laws, regulations and ordinances) with the Illinois Department of Revenue, the Secretary of State and any and all regulatory agencies which have jurisdiction over their activities.

C) Employers agree to screen clients to hire on their own payroll after six months. Failure to do so will result in the employer being terminated from the program.

## 6) Calculation of the Diverted Grants

A) The level of grant to be diverted is determined on a prospective basis when a work assignment under the Work Supplementation Program is made. The effective date of the diverted grant is the first day of the first full month of Work Supplementation Program wages.

B) Work Supplementation Program participants are eligible only for the earned income budgeting disregards provided in Sections 112.141 and 112.143. The difference between the flat grant amount and revised amount is diverted to the wage pool.

C) The difference between the payment level and the grant the participant receives is diverted and used in whole or in part to pay a wage subsidy to the employer.

## 7) Program Completion

If the participant is no longer eligible for TANF benefits after the Work Supplementation Program period, a determination of continued medical eligibility shall be made in accordance with Section 112.330.

## 8) Anti-Displacement

The Work Supplementation Program is subject to the provisions of Section 112.78(q).

## h) Post-Secondary Education

Students who are not working will not be approved for degree programs unless they can complete the program in one year or less. Students who are working at least 20 hours per week and whose combined work plus credit hours or class hours as appropriate equal at least 25 hours per week may be approved for post-secondary education programs beyond the one year limitation. Post-secondary education must be administered by an educational institution accredited under requirements of State law including, but not limited to, the Barber, Cosmetology and Esthetics Act of 1985 [225 ILCS 410], the Real Estate License Act of 1983 [225 ILCS 455], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the

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Chicago State Universities Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS 665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 675], the Northeastern Illinois University Law [110 ILCS 680], the Northern Illinois University Law [110 ILCS 685], the Western Illinois University Law [110 ILCS 690] and the Southern Illinois University Name Change Act [110 ILCS 505].

## 1) Approval Criteria For Post-Secondary Education

- A) The individual must have a high school diploma or a GED.
- B) Approval of post-secondary education is part of the process of developing the Responsibility and Services Plan (RSP) with the client. Factors to consider when determining whether post-secondary education is appropriate include, but are not limited to, the client's educational and work history, the client's career goal, the client's ability to finance tuition and other expenses not provided by the Department, and the client's ability to arrange transportation, child care and other family obligations. The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational background.
- C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate to upgrade skills for current employment.
- D) The individual must be in a program needed for the individual to obtain employment in a recognized occupation or upgrade skills for current employment.
- E) The individual does not already possess a baccalaureate degree or an associate degree if the Responsibility and Services Plan goal is an associate degree.
- F) If the participant possesses a baccalaureate degree, no additional education may be approved.
- G) The individual's program must be accredited under requirements of State law.
- H) If needed, the individual must apply for all available educational benefits such as the Pell Grant and scholarships from the Illinois Student Assistance Commission as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- I) Jobs, consistent with the individual's Responsibility and Services Plan, must be available in the chosen field in a specific geographical area where the individual intends to work upon program completion.
- J) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department.

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When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

- K) The program selected may be no more than a program that will result in the receipt of a baccalaureate degree consistent with the Responsibility and Services Plan.
- L) The individual, exempted under (h)(1)(W) of this Section unless enrolled in a program that will be completed in one year or less must also be employed in unsubsidized work for at least 20 hours each week or be participating for at least 20 hours per week in one or more of the following paid or unpaid work activities:

- i) work study;
- ii) practicums, clinicals, or vocational internships such as student teaching, if required by the institution to complete the educational program;
- iii) apprenticeships;
- iv) self-employment; or
- v) enrollment as a full-time Americorps VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (41 USC 4951 et seq.).

In addition, the combined work or work activities plus credit hours or class hours, as appropriate, must equal at least 25 hours per week.

- M) Clients with an approved RSP for full-time post-secondary education and a cumulative 2.5 or better grade point average (on a 4.0 scale) may not be subject to the minimum work requirement, described in (h)(1)(L) of this Section, as follows:

- i) For the first semester, while the client is establishing a grade point average, the client will not be subject to the minimum work requirement. If a 2.5 grade point average is not achieved in the first semester, the client will be subject to the minimum work requirement in the second semester.
- ii) As long as the client's cumulative GPA remains at least 2.5, the client will not be subject to the minimum work requirement.
- iii) If the client's cumulative GPA falls below 2.5 at any time, the client may continue to go to school full-time for another semester without being subject to the minimum work requirement.
- iv) If the cumulative GPA is below 2.5 for 2 semesters in a row, the client will be subject to the minimum work requirement. Individuals who have been continuously enrolled in an approved post-secondary education program prior to July 1, 1997 must comply with the 20-hour-per-week work requirement by the end of the fall

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~~1997-semester-or-the-activity-will-not-be-approved for-the-spring-1998-semester-~~

N) Individuals who lose employment, unless due to a temporary scheduled employer shutdown, can continue in post-secondary education and receive supportive services, if eligible, during the current semester while they seek employment. If the individual has not reentered employment ~~the-State-TANF Work-Requirement-level~~ by the end of the current semester, the individual will not continue in post-secondary education and receive supportive services, but will be reassigned to another appropriate activity.

## 2) Participation Requirements

A) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual would be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, satisfactory progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.

B) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.

C) Curriculum changes must be made with the approval of the TANF worker and will be approved when the change is consistent with the Responsibility and Services Plan.

## i) Job Development and Placement (JDP)

1) TANF staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings.

## 2) Assignment to JDP

Job ready individuals may be assigned to JDP.

## j) Job Retention

Job Retention is designed to assist participants in retaining employment. Job Retention expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding Job Retention skills. Counseling or job coaching may continue after employment begins as long as the individual continues to receive TANF.

## k) Self-Employment

Self-employment activities will increase the individual's ability to

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start and maintain a business. Self-employment activities will include self-employment development training programs and technical assistance programs. In order to be approved in the self-employment component, the self-employment development plan must be approved.

1) Assignment to Self-Employment  
Applicants must have a GED or high school diploma, some work experience and/or proven ability or have a plan that indicates success can be obtained without these requirements.

## 2) Participation Requirements

Participants must participate in the assigned number of hours.

## 1) Unstructured Community Service

Unstructured Community Service provides TANF participants with activities that emphasize and build on the individual's job seeking confidence by positively reinforcing the achievement of each small step gained in his or her successful advances toward employment. Activities may include volunteer work as well as job search contacts. Activities are closely monitored for compliance and for tracking the length of time that participants are assigned to Unstructured Community Service. At the reassessment the participant is assigned to the more structured work experience activity or Work First when the participant becomes more job ready. Participants are required to document their Job Search and Community Service activities. Activities must be at the State TANF Work Requirement level or as assigned by their Responsibility and Services Plan.

## m) Targeted Work Initiative (TWI)

## 1) Selection of Participants

TANF cash recipients whose youngest child is age 13 or older shall be required to participate in TWI and must seek and accept employment as part of the TANF activity requirement, unless the recipient is excused for one of the following reasons (other TANF exemption reasons listed in Section 112.71 do not apply to the TWI population):

A) The recipient is temporarily ill or chronically ill.

i) An individual is temporarily ill when determined by the local office, on the basis of medical evidence (for example, a statement from a medical provider) or on another sound basis, that the illness or injury is serious enough to temporarily prevent the individual from engaging in employment or participating in a work activity. A sound basis for exemption on a temporary basis includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery. Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion.

ii) An individual is chronically ill or incapacitated, as



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determined by the local office, when a physician or licensed or certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in a work activity. This includes a 12 week period of recuperation after childbirth.

iii) When an individual is determined either temporarily or chronically ill or incapacitated, the exclusion shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or, upon case review, the exemption will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption with appropriate notice to the individual that the reevaluation is necessary.

B) The recipient provides full-time care for another household member due to that person's medical condition or incapacity.

## 2) Work or Work First at 24 Months

A) When the participant has been in TWI for 24 months, the participant must be working or in Work First to qualify the family for TANF, unless the participant is excused for one of the reasons in Section 112.78(m)(1). A participant who has been in TWI for 24 months who fails to cooperate with Work First shall make the family ineligible for TANF rather than be subject to sanction.

B) Beginning with the first month in TWI, the addition to the household of a child under age 13 or the birth of a child more than 10 months later shall not extend the 24-month period.

## 3) Participation Requirements

During the 24-month eligibility period, participants must cooperate with the requirements of the TANF Program as described in Section 112.72. Participants who fail to cooperate shall be subject to sanction.

## 4) Sanctions

A) Reconciliation (see Section 112.77) will be attempted with participants who fail to meet participation requirements without good cause (see Section 112.80).

B) When reconciliation is unsuccessful, the TANF sanctions will apply (see Section 112.79).

## 5) Activity Assignments for TWI Participants

A) Initial Activity Assignment

Participants will be placed in an appropriate activity.

B) Assignment After 12 Months

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i) Participants who have completed their appropriate activity and have not become employed after 12 months will be assigned to the Work First/Pay After Performance program.

ii) Participants in Work First must work at least 80 hours per month (20 hours per week for single-parent cases) or 120 hours per month (30 hours per week for two-parent cases) in an assigned pay After Performance position to earn their TANF grant and food stamps. If the value of the participant's TANF grant plus food stamps divided by 80 or 120, respectively, does not equal the federal minimum wage, then the hours will be reduced accordingly. If the participant does not work 80 hours per month for single-parent cases or 120 hours per month for two-parent cases, the reduction per hour not worked will be the amount of the grant divided by 80 hours or 120 hours respectively. The maximum number of hours worked cannot exceed the amount of TANF and food stamp allotment divided by the minimum wage.

iii) Participants in Work First must also complete 20 employer contacts each month.

iv) Participants will be assigned to Work First/Pay After Performance until they find unsubsidized employment. A review will be conducted every six months to determine appropriateness of assignment, if work skills are being gained and if the opportunity for placement exists.

v) The Department will develop Work First/Pay After Performance positions with private employers or not-for-profit or public agencies and will provide Worker's Compensation coverage for participants.

vi) Work First/Pay After Performance for TWI participants is subject to the provisions of Section 112.78(q).

vii) Individuals who fail to participate, without good cause, are determined to have not availed themselves of the Work First opportunity. If good cause is not determined, the entire case is ineligible for TANF assistance. Upon reapplication for TANF, the individual may be reassigned to a Work First position.

6) Failure to participate is determined to have occurred:

- A) if the participant does not report to the provider or employer. Participants are deemed to have failed to report if they have not contacted the provider or employer in person, by telephone or mail, or by a third party; or
- B) if the participant has engaged in misconduct connected with the Work First assignment. The term "misconduct" means deliberate and willful violation of a reasonable rule or

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policy of the employer governing the individual's behavior in performance of work, provided such violation has harmed the employer or other employees or has been repeated by the individual despite a warning or the explicit instruction from the employer.

- n) Work First/Pay After Performance for Non-TWI Participants
  - 1) Participants who are not in TWI and quit employment without good cause or lose employment for reasons entirely out of their control (for example, plant closings or layoffs) will be required to participate in Work First/Pay After Performance for six months or until they obtain employment to the extent slots exist. To the extent that resources allow, job ready clients will also be targeted for Work First/Pay After Performance slots.
  - 2) Individuals in a TANF case, assigned to Work First, must participate in Work First an average of at least 20 hours each week to earn their TANF grant and food stamps plus 5 employer contacts per week.. If the participant does not work 80 hours per month, the reduction per hour not worked will be the amount of the grant divided by 80 hours.
  - 3) Nonexempt individuals in a two-parent TANF case must participate an average of at least 30 hours each week in Work First and 5 employer contacts per week. If the individuals do not work 120 hours per month, the reduction per hour not worked will be the amount of the grant divided by 120 hours.
  - 4) If the value of the participant's TANF grant plus food stamps divided by 80 or 120, respectively, does not equal the federal minimum wage, then the hours will be reduced accordingly.
  - 5) Participants will be assigned to Work First/Pay After Performance until they find unsubsidized employment. An assessment will be conducted every six months to determine appropriateness of assignment, if work skills are being gained and if the opportunity for placement exists.
  - 6) The Department will develop Work First/Pay After Performance positions with private employers or not-for-profit or public agencies. The Department shall provide Worker's Compensation coverage for participants. The Department will ensure all applicable employer safety laws are met for Work First/Pay After Performance assignments. Failure of an employer to do so will result in termination of the contract.
  - 7) Work First/Pay After Performance for non-TWI participants is subject to the provisions of subsection (q) of this Section.
  - 8) Individuals who fail to participate, without good cause, are determined to have not availed themselves of the Work First opportunity. If good cause is not determined, the entire case is ineligible for TANF assistance. Upon reapplication for TANF, the individual may be reassigned to a Work First position.
  - 9) Failure to participate is determined to have occurred:
    - A) if the participant does not report to the provider or

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employer. Participants are deemed to have failed to report if they have not contacted the provider or employer in person, by telephone or mail, or by a third party; or

- B) if the participant has engaged in misconduct connected with the Work First assignment. The term "misconduct" means deliberate and willful violation of a reasonable rule or policy of the employer governing the individual's behavior in performance of work, provided such violation has harmed the employer or other employees or has been repeated by the individual despite a warning or the explicit instruction from the employer.

## o) Substance Abuse

- 1) Selection of Participants
  - If alcohol or substance abuse is suspected as a barrier to employment during the family assessment process or at an intake interview, the client will be referred for a clinical assessment by an alcohol/substance abuse counselor. If treatment is indicated, the client will be required to follow-up as a condition of eligibility, unless the client is employed more than 30 hours per week or if treatment resources are not available.
- 2) Work Activity
  - Clients participating in alcohol/substance abuse treatment in accordance with their Responsibility and Services Plan are participating in a work activity.
- 3) Supportive Services
  - Supportive services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.
- 4) Sanctions
  - A) Reconciliation will be attempted with clients who fail to cooperate with their treatment plan. Cooperation with the treatment plan will be defined by the alcohol/substance abuse provider, based on uniform guidelines.
  - B) When reconciliation is unsuccessful, the TANF sanctions will apply.
- p) Domestic Violence
  - 1) Selection of Participants
    - All clients receiving TANF will have a family assessment completed. If domestic violence is a barrier to employment, the client will be referred to a domestic violence service provider.
  - 2) Work Activity
    - Clients participating in domestic violence abuse treatment are in accordance with their Responsibility and Services Plan and are participating in a work activity.
  - 3) Supportive Services
    - Supportive Services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.

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## 4) Sanctions

If the individual does not comply with the Responsibility and Services Plan relating to domestic violence, a sanction will not be imposed. The Responsibility and Services Plan will be reviewed, and other work related activities will be developed. Compliance will be required for the new activities.

## q) Anti-Displacement and Grievance Procedure

1) An employer may not utilize a work activity participant if such utilization would result in:

- A) the displacement or partial displacement of current employees, including but not limited to a reduction in hours of non-overtime or overtime work, wages, or employment benefits; or
- B) the filling of a position that would otherwise be a promotional opportunity for current employees; or
- C) the filling of a position created by or causing termination, layoff, a hiring freeze, or a reduction in the workforce; or
- D) the placement of a participant in any established unfilled vacancy; or
- E) the performance of work by a participant if there is a strike, lockout, or other labor dispute in which the employer is engaged.

2) An employer who wishes to utilize work activity participants shall notify the appropriate labor organization in accordance with the applicable State statute [305 ILCS 5/9A-13].

3) Participants, other employees at the work site or their representative, may file a grievance with the Department if they believe the participant's work assignments are causing a displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

- A) the name and address of the participant or other employee at the work site (the grievant);
- B) the participant's case number (if grievant is participant);
- C) the grievant's Social Security number;
- D) Work Experience (work site); and
- E) a statement as to why the grievant believes the participant is causing displacement.

4) Within ten days after receipt of a written grievance, the Department shall arrange an in-person conference with:

- A) the grievant;
- B) the grievant's representative, if any;
- C) the Work Experience Sponsor;
- D) the Work Experience Sponsor's representative, if any; and
- E) the Department's representative.

5) At the in-person conference, the Department shall solicit and receive from the grievant and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the

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grievance. The Work Experience Sponsor shall provide whatever documents or other information is requested by the grievant and/or the Department.

- 6) Within 15 days after the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.
- 7) If the Department concludes that displacement occurred (as described in subsection (q)(1) of this Section), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of TANF participants in addition to the participants involved in the grievance, the Department shall terminate those TANF participants' assignment to that work assignment Sponsor.
- 8) The Department, its employees or the Work Experience Sponsor shall not retaliate for filing a grievance or otherwise proceeding under this policy. Retaliation will result in the termination of the Work Sponsor contract.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. effective May 1, 1999, for a maximum of 150 days)

58863



## OFFICE OF THE SECRETARY OF STATE

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1) Heading of the Part: Standard Procurement2) Code Citation: 44 Ill. Adm. Code 20003) Section Numbers: Emergency Action:  
2000.2020 Amended4) Statutory Authority: 30 ILCS 5005) Effective Date of Amendment: April 30, 1999

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they expire: This emergency rule will expire when the companion permanent rule is adopted.

7) Date Filed with the Index Department: April 30, 1999

8) A copy of the emergency rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The State of Illinois Procurement Policy Board created pursuant to Section 5-5 of the Illinois Procurement Code [30 ILCS 500/5-5] unanimously adopted a motion allowing the Chief Procurement Officers to modify the small purchases no-bid maximum by promulgating rules as established by Section 20-20 of the Code [30 ILCS 500/20-20]. The Board proposed that \$25,000 should be the maximum established by rule. The proposal was published in the Illinois Procurement Bulletin as required by Section 5-5 of the Code. The Office of the Secretary of State has determined that increasing the small purchase threshold is in the best interest of the Office. Pending contracts and limited staffing require increasing this threshold immediately to reduce the work load required for competitive bidding within the scope of this limit and allow concentration of effort on larger competitively bid projects.

10) A Complete Description of the Subjects and Issues Involved: Section 1-30 of the Illinois Procurement Code requires that constitutional officers procure their needs in a manner substantially in accordance with the requirements of the Code, and that such officers promulgate rules to govern procurement that are no less restrictive than the requirements of the Code. This rulemaking changes from \$10,000 to \$25,000 the amount below which competitive procurement procedures need not be used. The amendment will conform to a similar proposed change in DCMS, Attorney General, Lt. Governor and Office of the Governor rules.

11) Are there any proposed amendments to this Part Pending? No12) Statement of Statewide Policy Objectives: This rulemaking does not create

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or expand a State mandate.

13) Information and questions regarding this amendment shall be directed to:

Mr. Jack L. Gooding, Purchasing Agent  
Office of the Secretary of State  
Budget & Fiscal Management, Purchasing Division  
124 Howlett Building  
Springfield IL 62756  
(217) 782-0828

The full text of the emergency amendment begins on the next page:

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**TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT**

**SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES**

## CHAPTER XXV: SECRETARY OF STATE

## PART 2000

## STANDARD PROCUREMENT

## SUBPART A: GENERAL

|         |                                       |
|---------|---------------------------------------|
| Section |                                       |
| 2000.01 | Title                                 |
| 2000.05 | Policy                                |
| 2000.08 | Illinois Procurement Code             |
| 2000.10 | Application                           |
| 2000.15 | Definition of Terms Used in This Part |
| 2000.25 | Property Rights                       |

**SUBPART B: PROCUREMENT RULES**

Section  
2000.525  
Rules

## SUBPART C: PROCUREMENT AUTHORITY

Section  
2000.1005 Conduct of Procurements

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

|           |                               |
|-----------|-------------------------------|
| Section   | Illinois Procurement Bulletin |
| 2000.1510 | Supplemental Notice           |
| 2000.1560 | Error in Notice               |
| 2000.1570 | Direct Solicitation           |
| 2000.1580 |                               |

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SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

Section  
2000.6010 Supply Management and Dispositions

SUBPART T: GOVERNMENTAL JOINT PURCHASING

Section  
2000.6500 General  
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SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section  
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2000.7010 Government Furnished Property  
2000.7015 Inspections  
2000.7020 Records and Audits  
2000.7025 Written Determinations  
2000.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500] (see P.A. 90-572).

SOURCE: Emergency rule adopted at 22 Ill. Reg. 12208, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 23306, effective November 9, 1998; emergency amendment at 23 Ill. Reg. 23306, effective April 30, 1999, for a maximum of 150 days.

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Section 2000.2020 Small Purchases

EMERGENCY

a) Application

- 1) Procurements of \$25,000 \$10,000 or less for supplies or services, other than professional and artistic, and \$30,000 or less for construction may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.
- 2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.



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- b) In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals, determined in good faith, shall be utilized. The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.
- c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a) above).
- d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.
- e) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.
- f) If there is a repetitive need for small procurements of the same type, the Procurement Officer shall consider issuing a competitive sealed bid or proposal for procurement of those needs.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. effective April 30, 1999, for a maximum of 150 days)



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## NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Minimum Safety Standards for Construction of Type I School Buses
- 2) Code Citation: 92 Ill. Adm. Code 440
- 3) Section Numbers: 440.420
- 4) Date Proposal published in Illinois Register: March 27, 1998, 22 Ill. Reg. 5833
- 5) Date Adoption published in Illinois Register: October 30, 1998, 22 Ill. Reg. 19354
- 6) Date Request for Expedited Correction published in Illinois Register: April 9, 1999 23 Ill. Reg. 4300
- 7) Adoption Effective Date: October 15, 1998
- 8) Correction Effective Date: October 15, 1998
- 9) Reason for Approval of Expedited Correction: The Department published adopted amendments to Part 440 on October 30, 1998 at 22 Ill. Reg. 19354. Thereafter, the Joint Committee on Administrative Rules (JCAR) identified a discrepancy between the published adopted text at Section 440.420 and the version filed with the Administrative Code Division. The Department inadvertently deleted a requirement at Section 440.420(aa)(2), "Reflectors. Left Side" in the version filed with the Administrative Code Division. The intention to adopt this requirement is reflected in the First Notice, Second Notice and in the published adopted version of the rulemaking.

The above-mentioned requirement is a statutory provision found in Section 12-202 of the Illinois Vehicle Code [625 ILCS 5/12-202].

In order to satisfy the requirements of the Illinois Vehicle Code and to correct the Department's error, the Division of Traffic Safety will do a mailing of the corrected page to those school bus manufacturers in Illinois affected by this Part. The Department anticipates no hardship to the industry by utilizing this Notice of Expedited Correction. The missing requirement for left side reflectors is verbatim that of right side reflectors that is located at Section 440.420 (aa)(3). (The missing requirement is at Section 440.420(aa)(2).) The school bus manufacturers have, in all probability, the knowledge and expertise to correctly construct the left side reflector despite the Department's omission. Because this Part concerns safety standards for the construction of school buses, the Department believes the public interest will be served by the expedited correction of this error which again occurred only in the filing version of this amended Part.

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The full text of the Corrected Rule begins on the following page:

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NOTICE OF EXPEDITED CORRECTION

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 440  
MINIMUM SAFETY STANDARDS FOR CONSTRUCTION  
OF TYPE I SCHOOL BUSES

SUBPART A: INTRODUCTION

Section  
440.10 Order  
440.20 Guidelines  
440.30 Responsibilities

SUBPART B: GENERAL

Section  
440.110 Purpose  
440.120 Scope  
440.130 Applicability  
440.140 Effective Date  
440.150 Quantified Requirements

SUBPART C: DEFINITIONS

Section  
440.205 Dictionary Used  
440.210 Federal Definitions  
440.220 State Definitions

SUBPART D: CERTIFICATION

Section  
440.305 Certification by Manufacturer  
440.310 Federal Standards  
440.320 State Standards

SUBPART E: BODY REQUIREMENTS

Section  
440.405 Conformance to the Requirements  
440.410 Incorporation by Reference of Federal Motor Vehicle Safety Standards  
440.420 State Requirements

SUBPART F: CHASSIS REQUIREMENTS

Section

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440.505 Conformance to the Requirements  
 440.510 Incorporation by Reference of Federal Motor Vehicle Safety Standards  
 440.520 State Requirements

ILLUSTRATION A Hexagon Shaped Stop Signal Arm (Repealed)  
 ILLUSTRATION B Octagon Shaped Stop Signal Arm Panel  
 APPENDIX A Federal Motor Vehicle Safety Standards (FMVSS) and Related Regulations (Repealed)  
 APPENDIX B First Aid Kit Requirements (Referred to in Section 440.420(k)) (Repealed)  
 APPENDIX C Specification Sheet Reflective Material -- Encapsulated Lens (Based on FHWA Notice N 5040.17, June 15, 1976) (Repealed)

AUTHORITY: Implementing Article VIII of Chapter 12 and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII].

SOURCE: Filed June 20, 1977; amended at 6 Ill. Reg. 7147, effective June 2, 1982; codified at 8 Ill. Reg. 15502; amended at 11 Ill. Reg. 15947, effective September 21, 1987; amended at 12 Ill. Reg. 8463, effective May 3, 1988; amended at 16 Ill. Reg. 1655, effective January 14, 1992; amended at 17 Ill. Reg. 3530, effective March 2, 1993; amended at 18 Ill. Reg. 14764, effective September 20, 1994; amended at 22 Ill. Reg. 19354, effective October 15, 1998; expedited correction at 23 Ill. Reg. 5918, effective October 15, 1998.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

## SUBPART E: BODY REQUIREMENTS

## Section 440.420 State Requirements

*Except for mirrors, which may project 153 mm (6") beyond each side of the bus, a school bus shall not exceed 2.44 m (8 feet) in width, 4.12 m (13 feet 6 inches) in height, nor 12.81 m (42 feet) in length.* [625 ILCS 5/15-102, 15-103 and 15-107] Each bus body shall be constructed so as to preclude road splash, road dust, or the bus engine's fumes or gas entering either the driver, passenger, or service entrance space through any joint, crack, hole, or opening other than an opened door or window. In addition, various portions of the bus body shall conform to the requirements set forth under the following subsections.

- a) Aisle. An aisle, easily negotiated ("easily negotiated" means that an aisle meets the dimension requirements set forth in this subsection from front of bus to back of bus) and free of tripping hazards ("tripping hazards" are tears, wrinkles and other imperfections in the floor covering material, or the floor itself causing the walking surface to be uneven), shall extend from the forward edge of the service entrance stairway to the emergency door in the rear of the bus

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or, when such door is absent, to the forward edge of the rearmost seat. This aisle shall be no less than 305 mm (12") wide at every location between floor covering and the top of each seat cushion and, in a bus manufactured in July 1987 or later, shall be no less than 380 mm (15") wide at and above a level 50 mm (2") below the top of any seat back. At least 1.75m (68.9") floor-to-ceiling height shall be provided above the entire required width of this aisle between the forward edge of the rearmost seat and the forward edge of the service entrance stairway. A dedicated aisle that conforms to 49 CFR 571.217 may be adjacent to any side emergency door.

- b) Battery. Either one battery or two or more suitably connected batteries may be installed.

- 1) When rated in conformance with SAE Standard J537h the battery(s) shall provide a current flow for engine cranking no less than the engine manufacturer's recommended Cold Cranking Current (amperes for 30 seconds) at -18° C (0° F) or, at the purchaser's option, at -29° C (-20° F).

- 2) When rated in conformance with SAE Standard J537h the battery(s) shall provide a Reserve Capacity (duration of 25 ampere current flow) at 27° C (80° F) no less than 135 minutes.

AGENCY NOTE: If the purchaser needs to provide for extended cold weather bus operation immediately after malfunction or failure of the battery charging equipment he should specify battery reserve capacity, and temperature, commensurate with the temperature and duration of extended operation needed.

- c) Battery Carrier. When the battery is mounted outside the engine compartment it shall be attached securely in a closed, weather-tight, and vented compartment that is located and arranged so as to provide for convenient routine servicing. The battery compartment door, or cover, shall be secured by an adequate manually operated latch(es) or other fastener(s). Each electrical cable connecting the battery(s) in this carrier to the body or chassis shall be one-piece between the battery terminal connector and the first body or chassis terminal connector.

- d) Bumper, Rear. The rear bumper shall be of channel type cross section with the top edge at least 225 mm (8.9") above the bottom edge, shall be formed from rolled steel at least 4.55 mm (.18") thick, and shall wrap around the rear corners of the body to a point at least 300 mm (11.8") forward of the rearmost point of the body at floor line. The rear bumper shall be attached to the chassis frame with provisions for removal by means of commonly available hand tools and the prevention of hitching-to or riding thereon. The rear bumper shall be of sufficient strength to permit the bus being pushed by another vehicle without permanent distortion.

- e) Capacity, Passenger. The vehicle maximum passenger capacity recommended by the manufacturer of the bus shall be based upon a provision for 13 inches of seating space for each passenger, exclusive of the driver. [625 ILCS 5/12-802] Examples: A seat 990 mm (39") in



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width provides 3 passenger spaces; A seat 985 mm (38.8") in width provides 2 passenger spaces; A device resembling a seat but less than 330 mm (13") in width would not provide a passenger space. Neither a space not conforming to FMVSS 222 nor the driver's space shall be counted as a passenger space. However, any space used for transporting an orthopedically challenged passenger shall be counted as a passenger space when computing passenger capacity to be displayed on the exterior of the bus as required in subsection (t)(7).

f) Certificate and Registration Card Holder. At least 1 card holder with a transparent face no less than 150 mm by 100 mm (5.9" by 3.9") shall be securely affixed to the interior header panel out of the students' easy reach.

g) Color and Paint, Exterior. *The exterior of each school bus shall be national school bus glossy yellow except as indicated in subsections (g)(1)-(6):*

- 1) *The rooftop may be white. A white roof may extend only to within six inches above the drip rails on the sides of the body. The front and rear roof caps shall remain national school bus glossy yellow.*
- 2) *Body trim, rub rails, lettering other than on a stop signal arm and bumpers shall be glossy black (Federal Standard No. 595a, glossy black enamel No. 170381).*
- 3) *Lettering on a stop signal arm shall be white on a red background.*
- 4) *The hood and upper cowl may be lusterless black (595a, 37038) or lusterless school bus yellow.*
- 5) *Grilles on the front, lamp trim and hubcaps may be a bright finish.*
- 6) *The name or emblem of a manufacturer may be colorless or any color.*

7) *The exterior paint of any school bus shall match the central value, hue and chroma set forth in this Part. [625 ILCS 5/12-801]*

8) *Yellow retroreflective tape required by 49 CFR 517.217 can be located on the rear bumper provided the space between the top of the bumper and the bottom of the door is not adequate to accommodate the tape.*

AGENCY NOTE: To be certain of glare reduction, a purchaser should specify a lusterless paint.

h) Crossing Control Arm:

- 1) *Required on school buses manufactured after December 31, 1997. [625 ILCS 5/12-807.2] (See P.A. 90-108, effective July 14, 1997.)*
- 2) *Must meet or exceed SAE J1133.*
- 3) *Must be capable of full operation between, and including, the temperatures -40 degrees F and 160 degrees F.*
- 4) *The arm, when activated, must extend a minimum of five feet from the front face of the bumper.*
- 5) *The arm must be mounted on the far right side (entry side) of the front bumper.*

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- 6) *Appropriate brackets shall be used to attach the arm to the front bumper for proper operation and storage.*
- 7) *All component parts must meet or exceed any applicable federal motor vehicle safety standards in effect at the time of manufacture.*
- 8) *The arm must extend at the same time the stop arm panel extends.*
- 9) *An independent "on/off" switch is prohibited.*
- 9) *If the driver can stop the arm from extending with the use of an optional override switch, the arm sequence must automatically reset once the service door is closed.*

10) *Red lights and/or red reflectors are prohibited.*

i) *Defrosters. Defrosting equipment shall be installed so as to help keep the window to the left of the driver and the glass in the service door clear of fog or frost. This defrosting equipment shall conform to those FMVSS 103 (49 CFR 571.103) performance requirements that are applicable to school bus windshields.*

j) *Emergency Exits. All emergency exits shall conform to the applicable requirements of FMVSS 217 (49 CFR 571.217).*

- 1) *Each opening for a required emergency exit must be outlined around its exterior perimeter with, at a minimum, 1 inch (2.54 cm) wide yellow retroreflective tape. This yellow retroreflective tape must be on the exterior surface of the bus and conform to all requirements of 49 CFR 571.217.*

2) *Both audible and visible alarms shall alert the driver when the engine is running and any emergency exit door either:*

- A) *Is not fully latched, or*
- B) *Is locked and not readily operated manually.*

3) *An audible alarm shall alert the driver when the engine is running and any emergency exit window either:*

- A) *Is not fully latched, or*
- B) *Is locked and not readily operated manually.*

4) *The engine starting system shall not operate while any emergency exit door or window (optional or required) is locked from either inside or outside the bus. "Locked" means that the release mechanism cannot be activated and the exit cannot be opened by a person at the exit without a special device such as a key or special information such as a combination.*

5) *An alarm cut-off or "squench" control is prohibited.*

6) *Exception: No alarm is required for roof hatches.*

k) *Fire extinguisher.*

AGENCY NOTE: At least one fire extinguisher must be carried in each school bus transporting pupils but the purchaser may elect to install an extinguisher that conforms to the requirements below after the bus is purchased.

The fire extinguisher shall be of the dry chemical type, with pressure gauge, mounted in a quick-release bracket of automotive type located in view of and readily accessible to the driver, except when carried in the locked compartment authorized under subsection (u) below. The

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fire extinguisher shall be of a type approved by the Underwriters' Laboratories, Inc., with a rating not less than 10-BC. The operating mechanism shall be sealed with a type of seal that will not interfere with the use of the fire extinguisher. Halon fire extinguishers (10-BC) are approved.

## 1) First-Aid Kit.

AGENCY NOTE: A first aid kit must be carried in each school bus transporting pupils but the owner may elect to install a kit that conforms to this subsection after the bus is purchased.

- 1) The first aid kit must be readily identifiable and readily accessible to the driver. The kit must be dust tight and substantially constructed of durable material. If the kit is not carried in the locked compartment as authorized in subsection (u)(2), it must be in view of the driver.

2) The first aid kit must include, but is not limited to, the following:

- A) 4" bandage compress - 2 packages
- B) 2" bandage compress - 2 packages
- C) 1" bandage or adhesive compress - 1 package
- D) 40" triangle bandage with two safety pins - 1
- E) Splint, wire or wood - 1

3) A tourniquet or any type of ointment, antiseptic or other medicine cannot be included.

## m) Floor Covering.

- 1) All portions of the floor that come in contact with passengers' or driver's footwear shall be covered with a waterproof material. This floor covering shall not crack when subjected to sudden temperature change and shall be bonded securely to the floor with a waterproof substance. All seams and openings shall be filled with a waterproof sealer.

2) The floor covering in the aisles and entrance area shall be of non-skid, wear-resistance type material commonly used in commercial passenger transportation vehicles.

## n) Fuel System.

The fuel system shall conform to all applicable provisions of FMVSS 301 (49 CFR 301).

## o) Glazing Materials.

- 1) The following applies to glazing on Type I school buses:

A) Laminated safety glass is optional on Type I school buses. All applicable provisions of FMVSS 205 (49 CFR 205) apply to the optional laminated safety glass and also to any plastic material(s) used in multiple-glazed unit, including meeting the pertinent tests indicated below, that are specified in ANSI Standard Z26.1-1996, Z26.1a-1996, and are grouped in Table No. 1 of that Standard. Glazing shall be identified as shown below.

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Glazing installed in: Shall meet tests grouped in Z26.1 identification Table No. 1 under: markings:

## Windshield

Item 1, either laminated glass or multiple glazed unit;

AS 1 Glass;

Window or door forward of rear-most location of driver's seat back

AS 1 Glass, or AS 2 Glass;

## All Other locations

AS 1 Glass, or AS 2 Glass, or AS 3 Glass.

B) In addition, any exposed plastic layer of a multiple glazed unit shall be identified in conformance with FMVSS 205 (49 CFR 571.205).

2) All glazing shall be installed so the identification markings are legible.

## p) Heaters.

- 1) An interior temperature of not less than 10 degrees Celsius (50 degrees F) shall be maintained throughout the bus while the bus is moving at 75 kilometers per hour (46.6 miles per hour) in calm air at the average minimum January temperature, as established by the Weather Bureau, U.S. Department of Commerce, for the area in which the bus is to be operated.

2) Each heater shall bear a nameplate that shall identify the heater manufacturer and state the heater capacity rating when tested as recommended in SAE Recommended Practice J638, or when tested in accordance with other nationally recognized standard or code. The recommended practice, standard, or code under which the heater is rated shall be identified on the nameplate. Such nameplate shall constitute certification by the heater manufacturer that the heater performance is as shown on the plate.

3) Heater hoses shall be supported so as to prevent wear due to vibration. The hoses shall not dangle or rub against the chassis or sharp edges and shall neither interfere with nor restrict the operation of any engine function (such as an emission or ignition control mechanism). Heater hoses shall be protected or baffled between the point at which they enter the passenger compartment and the point of attachment to the heater so that, in the event of hose rupture or disconnection, passengers and/or driver will not be subject to hot water burns.

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q) Heater Hose Connections at Engine. Each heater hose connection to the engine shall include a shutoff valve located as close to the engine as practical. Such connection and valve shall not interfere with any engine function whether closed, partially open, or fully open, with heater hoses installed properly.

r) Interior.

1) Thermal and acoustic material(s) shall be installed in the ceiling and the sides of the body to reduce heat transfer and the interior noise level.

2) The passenger compartment of the bus, including the ceiling, shall be free of any visible or concealed projections likely to cause injury. Exposed lapped joints shall be connected and/or treated to reduce likelihood of injury from exposed edges. Materials or components in the passenger compartment located within 59 inches from the floor shall be free of any sharp corner or projections or shall be padded so as to make injury unlikely.

s) Lamps and Signals.

1) Alternately Flashing Signal Lamps. Each bus shall be equipped with an eight lamp alternately flashing signal system that conforms to S45.1.4.(b) of FMVSS 108 (49 CFR 571.108) and 625 ILCS 5/12-805. A separate circuit breaker and a master switch shall be provided for this signal system. When in its "off" position, this master switch shall prevent operation of the eight lamp system; shall prevent operation of any lamps mounted on the stop signal arm panel required under subsection (hh); and shall prevent operation of any electrically controlled mechanism that would cause the stop signal arm panel to extend. The controls for the eight lamp flashing signals, the stop signal arm panel, and the service entrance door shall be arranged so as to provide for the following sequence of operations while the engine is running:

A) Place the alternately flashing signal system master switch in its "off" position. Close and secure the service entrance door. Actuate the alternately flashing signal system hand or foot control. The alternately flashing signal lamps of either yellow (amber) or red color shall not go on.

B) With the master switch "off" and the hand or foot control actuated, open the service door. The alternately flashing signals of either color shall not go on and the stop signal arm panel shall not extend.

C) Deactivate the hand or foot control. Place the alternately flashing signal system master switch in its "on" position. Close and secure the service door. Then open the service door. The alternately flashing signal lamps of either color shall not go on and the stop signal arm panel shall not extend.

D) Close and secure the service door. Actuate the alternately

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flashing signal system by hand or foot control. A yellow pilot lamp in the view of the driver and the yellow alternately flashing signals shall go on.

E) Desecure but do not open the service door. The yellow pilot and the yellow alternately flashing signals shall go off. A red pilot lamp in the view of the driver and the red alternately flashing signals shall go on. The stop signal arm panel shall extend.

F) Fully open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.

G) Close but do not secure the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.

H) Open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.

I) Close and secure the service door. The red pilot and red signals shall go off and the stop arm shall retract.

J) Open the service door. Alternately flashing signals of either color shall not go on and the stop arm shall not extend.

2) Rear Turn Signals. Yellow turn signal lamps shall be mounted on the rear as far apart as practical and as high as practical but below the rear window. The effective projected illuminated area of these turn signal lamps shall be no less than required for the yellow alternately flashing signal lamps required under subsection (s)(1), above; i.e., .0122 m(2)(19 in (2)).

3) Stop Signals. Red stop lamps shall be mounted on the rear as far apart as practical but closer to the vertical centerline of the bus than the rear turn signal lamps required under subsection (s)(2), and at the same height as those turn signal lamps. The effective projected illuminated area of these stop lamps shall be no less than required for the red alternately flashing signal lamps required under subsection (s)(1); i.e., .0122 m(2) (19 in (2)).

4) Side Turn Signals. Two yellow side turn signal lamps conforming to SAE Recommended Practice J914a, August 1973, shall be installed on each bus of more than 32 passenger seating capacity. Except as indicated below, this Recommended Practice shall be read as setting forth mandatory requirements. The lamps shall be "armored" and mounted on the body between the rub rails required under subsection (bb). The right lamp shall be within 1 m (39.4") of the rear of the service entrance but, on a forward control bus, not forward of the front axle. The left lamp shall be approximately the same distance from the front bumper as the right lamp.

5) Interior Lighting. At least the white nosings of the service entrance steps (subsection (ee)(3)), the floor around the stepwell, the entire aisle, and each emergency door and emergency



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exit shall be illuminated by lamp(s) emitting a white light. At least two interior illumination lamps shall be installed in a bus that provides 230 mm (13") of seating width for each of 33 or more passengers. At least the nosings of the service entrance steps and the floor around the stepwell shall be illuminated automatically by opening of the service door. No lamp shall be installed at or near the eye level of a pupil moving through the service entranceway to the aisle unless such lamp does not shine directly into the eye(s) of any such pupil.

## t) Lettering.

1) General. Except where otherwise required or allowed, lettering on the exterior of the body shall be black against a national school bus glossy yellow background. All required letters and numerals shall conform to Series "B", or heavier series, of the Standard Alphabets for Highway Signs issued by the Federal Highway Administration, Washington, D.C. 20591. Decals may be used instead of paint. Signs, numbers, or letterings, other than those either required by statutes or required or permitted by these standards shall not be affixed permanently on either the exterior of the bus or the interior glazing so as to be visible to the outside. Interior lettering shall contrast with its background.

2) The words "SCHOOL BUS" shall be displayed against a national school bus glossy yellow background as high as practical and approximately centered on the front and rear of the bus body, in letters at least 200 mm (8") high. These words may be painted on or applied to the bus body or displayed on a sign firmly attached to or built into the body. The background of an illuminated sign shall approximate the national school bus glossy yellow color as closely as feasible.

3) A school bus identification number, supplied by the purchaser, shall be displayed as high as practical on the front and rear of the bus in numerals not less than 100 mm (4") high. Such number may be displayed on the sides of the bus as specified by the purchaser.

4) Either the owner's name or the school district number or both must be displayed on both sides of the bus at least four inches high, approximately centered and as high as practicable below the window line. (Section 12-802 of the Code) The lettering must be located on one line.

5) The body and/or chassis manufacturer's name, emblem, or other identification may be displayed, colorless or in any color, on any unglazed surface of the bus so as not to be mistaken for the name required in subsection (b)(4) above, and so as not to interfere with any required letters or numerals.

6) The words "EMPTY WEIGHT", or the abbreviation "EMPTY WT.", or the letters "E.W.", followed by the empty weight of the bus (Section 440.220), stated in pounds, shall be displayed on the exterior of

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the body near the rear edge of the service entrance in numerals and letters at least 50 mm (2") high.

Examples: EMPTY WEIGHT 16,800 lb E.W. 16,800 lb

7) The word "CAPACITY", or the abbreviation "CAP.", and the rated passenger capacity (subsection (e) above) followed by the word "PASSENGERS", or the abbreviation "PASS.", shall be displayed on the exterior of the body near the rear edge of the service entranceway, and on the interior above the right portion of the windshield, in numerals and letters at least 50 mm (2") high.

8) The words "NO STANDING" shall be displayed only on the interior above the windshield, approximately opposite the aisle but to the right of the mirror and sun visor, in letters at least 50 mm (2") high.

9) The words "EMERGENCY DOOR" or "EMERGENCY EXIT" in letters at least 50 mm high must be displayed on the interior and exterior of the bus. "EMERGENCY DOOR" must be displayed at the top of, or directly above, any emergency exit door. "EMERGENCY EXIT" must be displayed at the top of, or directly above, or at the bottom of, any emergency exit window. They may be displayed on a separate colorless background (such as white, aluminum, or silver) that extends no more than 15 mm (.6") above or below the words and no more than 25 mm (1") to the right or left of the words.

10) A black arrow, curved or straight, at least 150 mm (5.9") in length and 15 mm (.6") in width, showing the direction each exterior emergency exit release mechanism is to be moved to open the emergency exit, shall be painted or permanently affixed on the exterior yellow portion of the bus within 150 mm (5.9") of each release mechanism.

11) An arrow showing the direction each interior emergency exit release mechanism is to be moved to open the emergency exit shall be painted or permanently affixed on the interior of the bus within 150 mm (5.9") of each emergency exit release mechanism. Each interior arrow shall contrast with its background and, where suitable space is limited, may be smaller than the exterior arrow(s) but must be conspicuous.

## 12) Alternate Fuel

A) If the bus uses alternate fuel (e.g., propane, CNG), the vehicle must be marked with an identifying decal. Such decal shall be diamond shaped with white or silver scotchlite letters one inch in height and a stroke of the brush at least 1/4 inch wide on a black background with a white or silver scotchlite border bearing either the words or letters:

"PROPANE" = If propelled by liquefied petroleum gas

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other than liquefied natural gas; or

"CNG" = If propelled by compressed natural gas. The sign or decal shall be maintained in good legible condition.

B) The alternate fuel decal shall be displayed near the rear bumper and visible from the rear of the vehicle. (Section 12-704.3 of the Code)

13) For buses manufactured after December 31, 1998, the vehicle's length (rounded up to nearest whole foot) must be displayed on the interior bulkhead clearly within the driver's view. (For example: vehicle length of 39.1 feet will be displayed as 40 feet.)

14) A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches below the top of each side window opening. The line shall be located between each window that slides downward.

u) Locked Compartment (Optional). If specified by the purchaser, a lockable compartment may be installed for storage of fire extinguisher, first-aid kit, warning devices, wheel chocks, or other items.

1) The compartment locking device shall be connected with an automatic audible and visible alarm that will alert the driver when the engine is running and the compartment is locked. No alarm disconnect, "squench control", or other alarm defeating mechanism shall be installed.

2) A red cross, formed of five equal squares, and the words "FIRST-AID KIT" shall be displayed on the compartment door, or cover, if the first-aid kit is to be carried in the locked compartment.

3) The words "FIRE EXTINGUISHER" shall be displayed on the compartment door, or cover, if the fire extinguisher is to be carried in the locked compartment.

v) Metal Treatment.

1) Unless excluded below, all steel or iron used in construction of the bus body and attached equipment shall be either resistant to atmospheric corrosion, or zinc coated, or treated by equivalent process. Particular attention shall be given to each fastener or attaching device, lapped surface, welded connection or fastening, cut edge, punched or drilled hole, surface subjected to abrasion, closed or box section, and any unvented or undrained area or space. The number of unvented or undrained areas or spaces is to be minimized. Excluded are door handles, grab handles, and interior decorative parts.

2) As evidence that above requirements have been met, a sample of fastener, material, or section of body, coated or finished as installed in the bus, when subjected to a 1,000-hour salt spray test in accordance with American Society for Testing and

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Materials (ASTM) Standard B-117-1997 "Method of Salt Spray (Fog) Testing" shall not exhibit more than 10 percent reduction in weight after all adherent corrosion products are removed.

w) Mirrors.

1) All mirror systems shall conform to the applicable requirements of FMVSS 111 (49 CFR 571.111).

2) More convex mirrors than required above may be installed, if specified by the purchaser.

3) The reflecting surface on the back of each mirror shall be protected from abrasion, scratching, and atmospheric corrosion.

x) Mounting of Body. This subsection does not apply to an integral type bus.

1) After the date of manufacture of the incomplete vehicle the chassis frame shall not be altered so as to extend the wheelbase. Other extension(s) of the chassis frame may be accomplished only by the incomplete vehicle, intermediate, or final-stage manufacturer or by an agent of such manufacturer properly instructed and authorized by such manufacturer to make such extension(s).

2) Insulating material shall be placed at all mounting points between the body and chassis frame. This material shall be at least 5 mm (.2") thick, may have the quality of the sidewall of an automobile tire, and shall be so secured that it will not move, vibrate, or "crawl" out of place during normal operations.

3) The body front shall be attached and sealed to the chassis cowl so as to prevent the entry of water, dust, or fumes through the joint between the chassis cowl and the body.

y) Radio Noise. For buses manufactured after December 31, 1998, radio/stereo speakers must be located at least four feet behind the rear-most position of the driver's seat.

AGENCY NOTE: Two-way communication radios are allowed.

z) Rack, Book. Not permissible.

aa) Reflectors.

1) Front

A) Two yellow rigid or sheet type (tape) front reflex reflectors shall be attached securely and as far forward as practicable. (Section 12-202 of the Code) They shall be located between 15 and 60 inches above the roadway at either fender, cowl, or body and installed so as to mark the outer edge of the maximum width of the bus. No part of the required reflecting material may be obscured by a lamp, mirror, bracket, or any other portion of the bus. No part of the required reflecting material may be more than 11.8 inches (300 mm) inboard of the outer edge of the nearest rub rail. The reflector may be any shape (e.g., square, rectangle, circle, oval, etc.). A rigid type reflex reflector may be any size if permanently marked either DOT, SAE A, or SAE J 594; otherwise, it shall display at least



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seven square inches of reflecting material (about three inch diameter if a solid circle).

- B) A sheet type (tape) reflex reflector which conforms to FMVSS 108 (49 CFR 571.108 (S5.7.1.2)) may be used but its forward projected reflecting area shall be at least eight square inches.

- 2) Left Side  
One amber at or near the front and one red at or near the rear.  
Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. On sides of buses 20 feet or more in length, one amber as near center as practicable must also be provided. (Section 12-202 of the Code) The reflector must measure a minimum of three inches in diameter.

- 3) Right Side  
One amber at or near the front and one red at or near the rear.  
Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. On sides of buses 20 feet or more in length, one amber as near center as practicable must also be provided. (Section 12-202 of the Code) The reflector must measure a minimum of three inches in diameter.

- 4) Rear  
Two red reflectors on rear body within 12 inches of lower right and lower left corners. (Section 12-202 of the Code) The reflector must measure a minimum of three inches in diameter.

bb) Rub Rails.

- 1) Rub rails of longitudinally corrugated or ribbed steel at least 100 mm (3.9") wide shall be fixed on the exterior of the bus.
- 2) There shall be one rub rail located approximately at seat level that shall extend from the rear of the service entrance completely around the bus body without interruption, except at a rear emergency door or a rear compartment, to a point of curvature near the front of the body on the left side.
- 3) There shall be one rub rail on each side located approximately at floor line that shall extend over the same longitudinal distance as the rub rail required under subsection (bb)(2), above, except:
  - A) This rub rail need not extend across a wheel housing, and
  - B) This rub rail may terminate at the radii of the right and left rear corners of the body.
- 4) Each rub rail required above shall be fastened to the bus body so as to attain at least 60 percent of the tensile strength of the weakest joined material, when strained in a direction parallel to the length of the rub rail.
- 5) Each joint in a rub rail required above shall be constructed so as to attain at least 60 percent of the tensile strength of a jointless length of rub rail, when strained in a direction parallel to the length of the rub rail.
- 6) More than two rub rails may be installed on a side and/or the rear of a bus.

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cc) Seating. Each seat and each barrier are required to conform to FMVSS 222 (49 CFR 571.222).

- 1) Seat, Driver's. The driver's seat shall be rigidly positioned, and shall afford both vertical and fore-and-aft adjustments of not less than 100 mm (3.9"), without the use of a tool or other non-attached device. The shortest distance between the steering wheel and the back rest of the operator's seat shall be no less than 280 mm (11").
- 2) Seats, Students'.

- A) Each seat (except as provided in subsection (cc)(4)) shall be constructed so that the shortest straight-line distance from the top of the seat back to the empty seat cushion is 28" when measured near the transverse center of the seat at the front of the seat back and along the angle of rearward inclination of the seat back. Since the height of a seat back is difficult to measure precisely on a repeated basis, a measurement of 27.5" or more is deemed acceptable.
- B) Each seat shall be forward facing (except as provided in subsection (cc)(4)).
- C) A flip-up seat may be located only immediately adjacent to any side emergency door. The flip-up seat must conform to the following:

- i) The seat must be designed so that, when in the folded position, the seat cushion is flat against the seat back to prevent a child's limb from becoming lodged between the seat cushion and seat back.
- ii) The seat must be designed to discourage a child from standing on the seat cushion when in the folded position.
- iii) The working mechanism under the seat must be covered to eliminate any tripping hazard.
- iv) All sharp metal edges on the seat must be padded to prevent any snagging hazard.
- v) No portion of the door latch mechanism can be obstructed by a seat.
- vi) There must be at least 11.7 inches (30 cm) measured from the door opening to the seat back in front.
- D) For buses manufactured on or after January 1, 1999, optional seat safety belts must be installed according to specifications provided by the bus body manufacturer. This may include reinforced seats and seat frames.
- 3) Barriers, Students'. The vertical distance from the floor covering to the top of a barrier positioned in front of a student's seat (as required by 49 CFR 571.222) shall measure not less than the vertical distance from the floor covering to the top of the seat back on the seat installed behind that barrier.
- 4) In the case of a seat to be occupied by a student with special needs, the seat back, forward facing, and barrier requirements of



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subsections (cc)(2) and (3) shall be changed only as necessary to meet the needs of the student with special needs (e.g., seat missing to accommodate wheelchair, hard surfaced stretcher installed to accommodate child who is not capable of sitting in a upright position) (see 92 Ill. Adm. Code 444).

## dd) Seatbelt(s), Driver's.

- 1) Each driver's seatbelt assembly shall be arranged so that all portions of the assembly remain above the floor when not in use. Any retractor(s) installed shall be of the automatic locking type.
- 2) Buses manufactured after December 31, 1998 must be equipped with a lap belt/shoulder harness design for the driver.

## ee) Service Entrance and Door.

- 1) The service entrance shall be located on the right side near the front, in unobstructed and convenient view of the driver. The service entrance shall have a minimum vertical opening of 1.7 m (67") and a minimum horizontal opening of 610 mm (24").
- 2) A steel grab handle not less than 250 mm (9.8") in length shall be firmly attached in an unobstructed location on the left side of the entranceway as a person enters the bus.
- 3) The bottom step in the entranceway shall not extend beyond the exterior of the body. With all seats empty, the bottom step shall be not less than 300 mm (11.8") and not more than 400 mm (15.7") from the roadway. At least two steps shall be provided. The steps shall be enclosed. Risers shall be approximately equal. Each step, including the floor at the top riser, shall be surfaced with a nonskid material with a 40 mm (1.6") to 80 mm (3.1") white nosing as an integral piece.
- 4) The service door shall be either manually or power operated by the seated driver. When in the closed and secured position, the door operating mechanism shall prevent accidental opening but shall afford prompt release and opening by the driver. No exposed parts of a door operating mechanism shall come together so as to shear or crush finger(s). The vertical closing edge(s) of a service door shall be padded to lessen chance of injury.
- 5) A power operated door shall be equipped for emergency manual operation in case of power failure. Instructions for emergency operation of a power operated door shall be affixed permanently on the interior of the door in letters at least 12 mm (.5") high.
- 6) A single-section service door shall be hinged at the front of the service entrance.
- 7) Glazed panels shall be installed in the service door to afford the driver a view of small children outside the door, traffic signs, and intersecting roadways. The bottom of each lower glass panel shall not be more than 10 inches from the top surface of the bottom step. The top of each upper glass panel shall not be more than 3 inches from the top of the door.
- 8) Service Door Lock (Optional). If ordered by the purchaser, a

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lock may be installed on or at the service door. Any type service door locking system installed in the bus shall conform to at least one of the following requirements.

- A) Requirement 1: A locking system shall not be capable of preventing the driver from easily and quickly opening the service door; or
  - B) Requirement 2: A locking system that is capable of preventing the driver from easily and quickly opening the service door shall include an audible and visible alarm to alert the driver when the engine is running and the service door is locked. No alarm disconnect, "squelch control", or other alarm defeating or attenuating device shall be installed; or
  - C) Requirement 3: A locking system shall not be capable of preventing the driver from easily and quickly opening the service door except when, and only when, a person outside the bus uses a key that is not capable of locking more than one of at least 1000 of the door manufacturer's key locking systems.
- ff) Steering Wheel Clearance. The rim grip of the steering wheel shall have at least 50 mm (2") clearance in all directions, except at the spokes.
- gg) Steps, Body Front. On each side at the front of the body at least one grab handle and recessed foothold or folding stirrup step shall be installed so as to provide easy access to the windshield for cleaning purposes.
- hh) Stop Signal Arm Panel.
- 1) A stop signal arm panel must be installed on the left side of the bus that conforms to 49 CFR 571.131. The panel may be operated either manually or mechanically. Decals may be used in lieu of painting. Strobe lamps are acceptable on stop signal arm panels.
  - 2) "Operated ... mechanically" shall be interpreted to include power operation. Also, "16-gauge metal" shall be interpreted to include thicker metal and any nonmetallic material equivalent or superior to hot rolled 16-gauge mild steel in stiffness, corrosion resistance, and durability.
  - 3) Section 440.Illustration B depicts the octagon shaped senaphore required in subsection (hh)(1).
  - 4) When demonstrating conformance with signal operating requirements by performing the sequence of operations specified under subsection (s)(1), the driver, or operator, may employ any independent or manual operation or disconnection of the stop signal arm panel that is provided for convenient use by the seated driver without using any type of tool and without removing any unattached part.
  - 5) Additional stop signal arm panels may be added at the purchaser's request. Additional panels must be located on the left side of the bus. Additional panels must operate in conjunction with the

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required panel and meet all stop arm panel requirements except as follows. The additional panel must not contain any lights, marking or reflective material on the front side of the panel. The additional panel must be located in the rear half of the bus adjacent to the rearmost window.

## ii) Storage Compartment(s) (Optional).

1) If installed, the storage compartment(s) shall be fire-resistant and of adequate strength and capacity for the storage of the items to be carried, such as tire chains, tow chains, tools for roadside or minor repairs, school activity equipment, etc. The compartment(s) shall provide reasonable security for the contents and shall be constructed and installed so as to preclude passenger injury due to the compartment(s) or the contents becoming dislodged when the bus is subjected to the maximum possible braking force and to minimize chances of such injury when the bus is subjected to a collision impact.

2) If a relatively small storage compartment is located inside the passenger compartment, seat cushion(s) alone may not serve as the cover for the compartment.

jj) Sun Visor. An interior, adjustable, transparent, tinted sun visor not less than 150 mm (5.9") high by 760 mm (29.9") wide shall be so installed that it can be turned up and will remain up when not in use. It may be supported so that it can be moved for use on the driver's left, but when used in front of the driver and in a position approximately parallel to the windshield it shall be supported at or near each of its ends so as to minimize its vibration.

kk) Tow Hook, Rear (Optional). Any tow hook(s) installed on the rear shall be attached or braced to the chassis frame, or to an equivalent structural member of an integral type bus. A tow hook may not extend beyond the rear face of the rear bumper.

ll) Undercoating. The underside of the body, including floor members and the side panels below the floor, shall be coated with a fire-resistant undercoating material applied by the spray method so as to seal, insulate, reduce corrosion, and reduce interior noise. Non-metallic components need not be coated.

mm) Ventilation. The body shall be equipped with a controlled ventilation system of sufficient capacity to maintain a satisfactory ratio of outside to inside air under cool and cold operating conditions without opening of windows. With a powered ventilation system, air outlet openings shall be located, sized, and manufactured so that, with doors and windows closed, a positive pressure is maintained in the driver and passenger spaces, to lessen chances of dangerous gas entering such spaces. Fresh air inlet(s) shall be located so as to minimize entrance of either dangerous engine gas or obnoxious engine fumes.

nn) Warning Devices. *Either three red cloth flags not less than 12 inches square and three red reflectors a minimum of three inches in diameter or three bi-directional emergency triangles that conform to 49 CFR 571.125. (Section 12-702 of the Code)* The kit must be securely

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stored.

AGENCY NOTE: A school bus must carry warning devices when on the public roads, but the bus purchaser may elect to install warning devices after the bus is purchased.

oo) Weight Distribution and Gross Weight. Storage or cargo spaces, if installed, and seats shall be located so that when the bus is fully loaded as specified or advertised by the manufacturer the loads exerted on the roadway will exceed neither a tire load rating, nor a gross axle weight rating, nor the gross vehicle weight rating indicated by the data displayed on the label permanently affixed in compliance with Section 440.310.

pp) Wheel Housings.

- 1) Each wheel housing opening shall allow for unimpeded wheel and tire service or removal.

- 2) Each rear wheel housing shall provide the clearance recommended in SAE Information Report J683a, August 1985, for installation and use of tire chains on the dual or single tires installed on the rear wheels.

qq) Windows or Glazed Panels, Rear. Glazed panels, or windows, shall be installed in the rear of the bus so as to afford the seated driver a reflected view through the rear of the bus as wide and as high as practical without unduly weakening or increasing the cost of the body structure. Such view shall be as low as allowed by the back(s) of the rear seat(s) except that, when the aisle required under subsection (a), extends to a rear emergency door, an additional lower glazed panel shall be installed to afford the driver an additional view through such panel at least the width of the required aisle and as low and high as practical.

rr) Window Openings, Side. This subsection does not apply to a window or glazed panel installed forward of a front passenger seat, and are optional for a window installed either beside a rear passenger seat, or in a side emergency exit.

- 1) By sliding downwards each side window not excluded above shall provide an opening (for emergency egress) at least 560 mm (22") wide (fore & aft) and at least 230 mm (9") high. However, with the window in its lowest position the opening shall be at least 460 mm (18.1") above the seating surface of any passenger seat. Any latch located in the side window opening shall be recessed. Each such opening shall be free of exterior or interior window guard(s) or bar(s). Split-sash windows may be installed. Each exposed edge of glass shall be banded.

- 2) A horizontal "Stop Line" shall be affixed permanently across the stationary structure between each of the windows that can be opened by sliding downwards. The bottom of the line shall be between 150 mm and 155 mm (5.9" and 6.1") below the top of the window opening. The line shall contrast with the color of the stationary structure and be at least 5 mm (.2") wide.

ss) Windshield.

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- 1) The windshield shall be large enough to permit the operator to see the highway clearly, and shall be curved or slanted to reduce glare. The front cornerposts and other supports shall be shaped and located so as to cause as little obstruction to the driver's view of the highway as practical.
  - 2) The windshield shall have a graduated glazing shade band across the top. The definition and boundary of this shade band shall be as recommended in SAE Recommended Practice J100, July 1969.
- tt) Wiring. The following applies to wiring in Type I school buses:
- 1) All wiring for lamps and other electrical devices shall be as recommended for automobiles, motor coaches, and heavy duty starting motor circuits in SAE Recommended Practices J556, J555a, and J541a and in other practices or standards referenced therein, unless preempted by FMVSS.
  - 2) Circuits.
    - A) Wiring shall be arranged in at least nine regular circuits as follows:
      - i) Head, tail, stop (brake), and instrument panel lamps;
      - ii) Clearance lamps and any lamps in or adjacent to step risers;
      - iii) Interior lamps;
      - iv) Starter motor;
      - v) Ignition, emergency exit alarm signal(s), and other alarm signal(s);
      - vi) Turn signal lamps;
      - vii) Alternately flashing signal lamps and stop signal arm lamps;
      - viii) Horn;
      - ix) Heater and defroster.
    - B) Any of the above combination circuits, except (vii), may be divided into independent circuits. Whenever feasible, all other electrical functions (sanders, windshield wipers, heaters, defrosters, etc.) shall be provided with independent and properly protected circuits.
  - 3) Each body circuit shall be coded either by numeral(s) and/or letter(s) at approximately 100 mm (3.9") intervals, or by color and numeral(s) and/or letter(s), or by color(s) only. The code(s) shall appear on a diagram of the circuits in a readily accessible location.
  - 4) A separate fuse or circuit breaker shall be provided for at least each circuit required under subsection (tt)(2)(A), except that components of the engine starter and ignition circuits may be protected by other means.
  - 5) Wires not enclosed within the body shall be fastened securely at intervals of not more than 460 mm (18.1").
  - 6) All terminals and splice clips shall be accessible.
  - 7) The chassis manufacturer shall install a readily accessible electrical terminal so that the net body and chassis electrical

current flow can be indicated through a chassis ammeter without dismantling or disassembling the chassis component. The chassis wiring to this terminal shall have a current carrying capacity at least equal to the maximum generator output.

(Source: Expedited correction at 23 Ill. Reg. 5918, effective October 15, 1998)



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## 1998 FOURTH QUARTER SUNSHINE INDEX

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act  
Citation: 20 ILCS 2515

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Fourth Quarter of 1998. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

|   |   |
|---|---|
| Addition Modifications                                    | Property Factor   |
| Bond Premium Amortization                                 | Sales Factor  |
| Dividends   | Transportation Services   |
| Interest  | Other Rulings   |
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| Allocation  | Books and Records   |
| (For Alternative Apportionment Rulings, See that heading) | Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Amnesty   |

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| Apportionment                        | Sales)                                 |
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| (Also See Subtraction Modifications) | Federal Returns                        |
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 tionment  
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 Uniform Penalty and  
 Interest Act

Copies of the ruling letters themselves are available for inspection  
 and may be purchased for a minimum of \$1.00 per opinion plus 50 cents  
 per page for each page over one. Copies of the ruling letters may be  
 downloaded free of charge from the Department's World Wide Web site at  
 www.revenue.state.il.us.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993,  
 1994, 1995, and 1996 are available for \$3.00. A cumulative Income Tax  
 Sunshine Index of 1981 through 1989 letter rulings may be purchased  
 for \$4.00.

## 3. Name and address of person to contact concerning this information:

Margaret Forth  
 Legal Services Office  
 101 West Jefferson Street  
 Springfield, Illinois 62794  
 217/782-6996

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## ALTERNATIVE APPOINTMENT

IT 98-0084-GIL 10/27/1998 General Information Letter: Petition to use separate accounting is not needed if two corporations are not engaged in a unitary business.

## APPORTIONMENT - FINANCIAL ORGANIZATIONS

IT 98-0010-PLR 10/07/1998 Private Letter Ruling. Guidance is provided for application of IITA Section 304(c) in specific situations.

## APPORTIONMENT - SALES FACTOR

IT 98-0088-GIL 11/13/1998 General Information. Application of sales factor.

## BOOKS AND RECORDS

IT 98-0095-GIL 12/04/1998 General Information Letter: Conformity to federal Revenue Procedure 97-22.

## CAPITAL GAINS (LOSSES)

IT 98-0080-GIL 10/14/1998 General Information Letter: An individual is not allowed a deduction for capital losses other than the deduction allowed in computing federal adjusted gross income.

## COMPENSATION

IT 98-0081-GIL 10/19/1998 General Information Letter: Compensation for services rendered within and without Illinois is "paid in this State" if the employee's base of operations is in this State or, if there is no base of operations, the service is directed or controlled from a place within this State.

## CREDITS

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IT 98-0083-GIL 10/21/1998 General Information Letter: Insurance companies may offset Illinois Life and Health Guaranty Association assessments against their Illinois income tax liability.

## EXEMPT ORGANIZATIONS

IT 98-0089-GIL 11/13/1998 General Information Letter: Organizations exempt from federal income tax under 26 U.S.C. Section 501(a) are taxed by Illinois only on unrelated business taxable income.

IT 98-0091-GIL 11/18/1998 General Information Letter: An Employee Stock Ownership Plan, which is exempt from federal income tax under 26 U.S.C. Section 501(a) and that owns stock of a Subchapter S corporation, is taxed by Illinois only on its unrelated business taxable income.

## FORMS

IT 98-0086-GIL 11/09/1998 General Information Letter: Illinois permits the use of photocopied forms.

## NET INCOME (LOSS) AND NET LOSS DEDUCTION (IITA Section 207)

IT 98-0079-GIL 10/09/1998 General Information Letter: A Subchapter S corporation may carry back an Illinois net loss to offset net income in a year in which it was taxed as a Subchapter C corporation.

## PUBLIC LAW 86-272/NEXUS

IT 98-0076-GIL 10/06/1998 General Information Letter: Public Law 86-272 does not protect taxpayers who deliver goods into Illinois themselves.

IT 98-0077-GIL 10/07/1998 General Information Letter: Public Law 86-272 applies to sellers of tangible personal property, which includes "canned" software.



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- IT 98-0082-GIL 10/19/1998 General Information Letter: There is no "casual sale" provision which would exempt a taxpayer (who otherwise has nexus) from Illinois income taxation.
- IT 98-0085-GIL 11/04/1998 General Information Letter: Storage of inventory in Illinois is not protected by Public Law 86-272.
- IT 98-0087-GIL 11/13/1998 General Information Letter: Sales of services are not protected by Public Law 86-272.
- IT 98-0092-GIL 11/24/1998 General Information Letter: Provision of leased employees who will solicit sales of tangible personal property on behalf of the lessee is not protected by Public Law 86-272.
- IT 98-0093-GIL 12/01/1998 General Information Letter: Activities not protected under Public Law 86-272.
- IT 98-0096-GIL 12/07/1998 General Information Letter: Activities not protected under Public Law 86-272.
- IT 98-0099-GIL 12/16/1998 General Information Letter: Activities not protected under Public Law 86-272.
- S CORPORATIONS
- IT 98-0090-GIL 11/17/1998 General Information. Apportionment of income of Subchapter S corporations and shareholders to Illinois.
- IT 98-0091-GIL 11/18/1998 General Information Letter: An Employee Stock Ownership Plan, which is exempt from federal income tax under 26 U.S.C. Section 501(a) and that owns stock of a Subchapter S corporation, is taxed by Illinois only on its unrelated business taxable income.
- SUBTRACTION MODIFICATIONS - INTEREST ON U.S. GOVERNMENT OBLIGATIONS
- IT 98-0098-GIL 12/07/1998 General Information Letter: Subtraction modification for interest on U.S. government and certain Illinois obligations.

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## SUBTRACTION MODIFICATION - OTHER RULINGS

- IT 98-0098-GIL 12/07/1998 General Information Letter: Subtraction modification for interest on U.S. government and certain Illinois obligations.

## SUBTRACTION MODIFICATIONS - PENSIONS

- IT 98-0078-GIL 10/07/1998 General Information Letter: Individuals are not taxed on income from qualifying pension plans.

## UNITARY

- IT 98-0094-GIL 12/01/1998 General Information Letter: Application of 80-20 test to federal Form 1120F filer.

## WITHHOLDING - OTHER RULING

- IT 98-0097-GIL 12/07/1998 General Information Letter: Application of 5 U.S.C. Section 5517(a)(1).
- IT 98-0100-GIL 12/18/1998 General Information Letter: Duty to withhold Illinois income tax from wages paid to nonresident working in Illinois.

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1) Heading of the Part: Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings

2) Code Citation: 77 Ill. Adm. Code 855

3) Register citation of adopted rulemaking: April 2, 1999 - 23 Ill. Reg. 4010

4) Explanation: The rulemaking cited above contains asbestos abatement procedures to be followed in all schools and in commercial and public buildings. The text that was published on April 2, 1999 was not identical to the text submitted by DPH to the Index Department. The published version inadvertently omitted the changes that were part of DPH's response to JCAB's objection. The Sections affected by the Department's response were 855.5 where a new subsection (e) is added; 855.20 where a definition of "Resilient Floor Covering Materials" is added; 855.240 where the introductory sentence is being amended to allow the contractor to reestablish the work area; and 855.330(c) where only the text of former (c)(2) is being retained.

The corrected text of those Sections appears on the next page.

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER P: HAZARDOUS AND POISONOUS SUBSTANCE

## PART 855

ASBESTOS ABATEMENT FOR PUBLIC AND PRIVATE  
SCHOOLS AND COMMERCIAL AND PUBLIC BUILDINGS IN ILLINOIS

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| Section | Applicability  |
| 855.5   | Incorporation by Reference-Federal Regulations and Other Standards |
| 855.10  | Definitions  |
| 855.20  | Alternative Procedures and Variances                               |
| 855.25  |  |

## SUBPART B: LICENSURE AND TRAINING COURSE APPROVAL

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| 855.100 | Contractor Licensing                       |
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## SUBPART C: RESPONSIBILITIES OF LICENSED PERSONS

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| 855.160 | Project Manager Responsibilities, Air Sampling Professional |
| 855.170 | Responsibilities and Laboratory Services                    |

## SUBPART D: GENERAL ABATEMENT REQUIREMENTS FOR COMMERCIAL AND PUBLIC BUILDINGS

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| Section | Notification and Procedures for Abatement of Asbestos in Commercial and Public Buildings |
| 855.220 | Equipment and Waste Container Removal Procedures   |
| 855.230 | Reestablishment of the Work Area and HVAC Systems in Commercial and Public Buildings     |
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## SUBPART E: LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES AND STANDARDS FOR ABATEMENT

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| Section | Local Education Agency (LEA) Requirements           |
| 855.300 | Procedures for School Inspections and Reinspections |
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855.330 Operations and Maintenance  
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 855.360 Demolition of a School Building  
 855.370 Workplace Entry and Exit Procedures  
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 855.390 Materials and Equipment  
 855.400 Work Area Preparation  
 855.410 Worker Decontamination Enclosure System  
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 855.425 Equipment Decontamination Enclosure System  
 855.430 Separation Barriers  
 855.440 Maintenance of Decontamination Enclosure Systems and Workplace Barriers  
 855.450 Commencement of Work  
 855.460 Removal Procedures  
 855.465 Cleanup Procedures  
 855.470 Clearance Air Monitoring and Analysis  
 855.475 Disposal Procedures  
 855.480 Glovebag Procedures  
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 855.500 Encapsulation Procedures for Schools  
 855.510 Enclosure Procedures for Schools  
 855.520 Reestablishment of the Work Area and HVAC Systems in Schools

## SUBPART F: FINES, PENALTIES, ADMINISTRATIVE HEARINGS AND EMERGENCY STOP WORK ORDERS

Section  
 855.600 Adverse Licensure Action  
 855.610 Fines and Penalties  
 855.620 Administrative Hearings  
 855.630 Emergency Stop Work Orders for Commercial and Public Buildings  
 855.640 Emergency Stop Work Orders for Schools

APPENDIX A Illustration - Project Form  
 ILLUSTRATION A Worker and Equipment Decontamination Systems  
 APPENDIX B Illustrations - Inspection and Management Plan Forms  
 ILLUSTRATION A Building Inspection for Friable and Nonfriable Materials  
 ILLUSTRATION B Inspection Report Form  
 ILLUSTRATION C Sampling Area Diagram (Ceiling and Floor)  
 ILLUSTRATION D Sampling Area Diagram (Boiler Room)  
 ILLUSTRATION E Random Sampling Table  
 ILLUSTRATION F Irregularly Shaped Random Sampling Area  
 ILLUSTRATION G Regular Shaped Random Sampling Area  
 ILLUSTRATION H Protocol for Asbestos Management Plan  
 ILLUSTRATION I Outline for Asbestos Management Plan

AUTHORITY: Authorized by and implementing the Asbestos Abatement Act [105

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ILCS 105] and the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207].

SOURCE: Adopted at 9 Ill. Reg. 19052, effective November 29, 1985; amended at 10 Ill. Reg. 14800, effective September 12, 1986; emergency amendments at 12 Ill. Reg. 4357, effective February 5, 1988, for a maximum of 150 days; emergency expired July 4, 1988; amended at 13 Ill. Reg. 2768, effective February 16, 1989; amended at 13 Ill. Reg. 17029, effective November 1, 1989; emergency amendments at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days; emergency expired May 30, 1990; amended at 14 Ill. Reg. 172, effective July 20, 1990; old Part repealed, new Part adopted at 23 Ill. Reg. 4010, effective March 12, 1999.

## SUBPART A: GENERAL PROVISIONS

## Section 855.5 Applicability

- a) Subparts A, B, and C contain incorporated materials, definitions, variance procedures, requirements of licensure, training course approval provisions, and responsibilities of licensed persons. These three Subparts apply to asbestos abatement project activities in commercial and public buildings and schools, except as noted in specific Sections.
- b) Subpart D of this Part contains notification requirements and work practices and controls applicable to asbestos abatement project activities performed in commercial and public buildings, except as specified in Subpart D, in accordance with the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207] and federal requirements.
- c) Subpart E and Appendices A and B contain requirements applicable to Local Educational Agencies, and planning and notification requirements, and work practices and controls applicable to asbestos abatement project activities performed in public and private schools, in accordance with the Asbestos Abatement Act [105 ILCS 105] and federal requirements.
- d) Subpart F contains provisions for the issuance of fines and penalties, procedures governing administrative hearings for violations of applicable laws or this Part, and provisions for stop work orders applicable to all asbestos abatement project activities performed in Illinois.
- e) Notwithstanding any other provision of Part 855, the asbestos requirements established by USEPA and OSHA and incorporated by reference in Section 855.10(a) of this Part shall govern the repair, maintenance, and removal of nonfriable resilient floor covering materials and persons designing, planning, contracting, supervising and/or performing such activities and related inspections. The notification requirements set forth in Sections 855.220(a) and (b) and 855.330(c) shall apply to such removals as applicable.



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## Section 855.20 Definitions

"Abatement" means removal, encapsulation, enclosure and repair of asbestos-containing building materials.

"Aggressive Sampling" means a method of sampling in which the person collecting the air sample creates activity during the sampling period to stir up settled dust and simulate the activity of that area of the building.

"AHERA" means the Federal Asbestos Hazard Emergency Response Act, 40 CFR Part 763, Subpart E.

"Air Sampling" means the process of measuring the fiber content of a known volume of air collected during a specific period of time.

"Air Sampling Professional" means the professional contracted or employed by the building owner to conduct air sampling.

"Airlock" means a system for permitting entrance and exit with minimum air movement between a contaminated area and an uncontaminated area, consisting of two curtained doorways separated by a distance of at least three feet such that one passes through one doorway into the airlock, allowing the doorway sheeting to overlap and close off the opening before proceeding through the second doorway, thereby preventing flow-through contamination.

"Amended Water" means water to which a surfactant has been added to improve penetration and reduce fiber release.

"ANSI" means the American National Standards Institute, 1430 Broadway, New York, New York 10018.

"Area Air Sampling" means any form of air sampling or monitoring where the sampling device is placed at some stationary location.

"Asbestos" means the asbestiform varieties of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, and actinolite. (Section 15 of the Commercial and Public Building Asbestos Abatement Act and Section 3 of the Asbestos Abatement Act)

"Asbestos Abatement Contractor" means any entity that provides removal, enclosure, or encapsulation, or disposal of asbestos containing materials. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Asbestos Containing Building Materials" or "ACBM" means surfacing asbestos containing material or ACM, thermal system insulation ACM or

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miscellaneous ACM that is found in or on interior structural members or other parts of a school building. (Section 15 of the Commercial and Public Building Asbestos Abatement Act and Section 3 of the Asbestos Abatement Act)

"Asbestos Inspector" means an individual licensed by the Department to perform inspections of schools or commercial or public buildings for the presence of asbestos containing materials. (Section 3(w) of the Asbestos Abatement Act)

"Asbestos Materials" means any material or product that contains more than 1% asbestos. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Asbestos Supervisor" means a licensed asbestos abatement contractor, foreman, or person designated as the asbestos abatement contractor's representative who is responsible for the onsite supervision of the removal, encapsulation, or enclosure of friable or nonfriable asbestos-containing materials in a commercial or public building. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Asbestos Worker" means an individual who cleans, removes, encapsulates, encloses, hauls, or disposes of friable asbestos materials. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Asbestos-Containing Waste Material" means asbestos-containing material or asbestos-contaminated objects requiring disposal pursuant to Section 855.475.

"Asbestos Professional" means an individual who is licensed by the Department to perform duties of contractor, inspector, management planner, project designer, project manager, project supervisor, or air sampling professional, as applicable.

"ASTM" means the American Society For Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

"Authorized Visitor" means the building owner, or a person designated by the building owner, and any representative of a regulatory or other agency having jurisdiction over the project.

"Background Level Monitoring" means a method used to determine airborne fiber concentrations inside and outside the work area prior to starting an asbestos abatement project.

"Building Owner" means the person in whom legal title to the premises

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is vested unless the premises are held in land trust, in which instance the building owner means the person in whom beneficial title is vested.

"Certified Industrial Hygienist (C.I.H.)" means an industrial hygienist certified by the American Board of Industrial Hygiene.

"Clean Room" means an uncontaminated area or room which is a part of the worker decontamination enclosure with provisions for storage of workers' street clothes and protective equipment.

"Clearance Air Monitoring" means the employment of aggressive sampling techniques with a volume of air collected to determine the airborne concentration of residual fibers upon conclusion of an asbestos abatement project.

"Commercial or Public Building" means the interior space of any building, except that the term does not include any residential apartment building of fewer than 10 units or detached single family homes. The term includes, but is not limited to: industrial and office buildings, residential apartment buildings and condominiums of 10 or more dwelling units, government-owned buildings, colleges, museums, airports, hospitals, churches, schools, preschools, stores, warehouses, and factories. Interior space includes exterior hallways connecting buildings, porticos, and mechanical systems used to condition interior space. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Contained Area" means an enclosed work area in a building where negative air pressure and HEPA filtration are used to contain airborne asbestos fibers during removal, enclosure or encapsulation of ACM during an asbestos abatement project.

"Critical Barrier" means one or more layers of plastic sealed over all openings into a work area or any other similarly placed physical barrier sufficient to prevent airborne asbestos in a work area from migrating to an adjacent area.

"Curtained Doorway" means a device which consists of at least three overlapping sheets of plastic over an existing or temporarily framed doorway. One sheet shall be secured at the top and left side, the second sheet at the top and right side, and the third sheet at the top and left side. All sheets shall have weights attached to the bottom to insure that the sheets hang straight and maintain a seal over the doorway when not in use.

"Decontamination Enclosure System" means a series of connected rooms, separated from each other by air locks, used for the decontamination

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of workers, materials and equipment.

"Department" or "IDPH" means the Illinois Department of Public Health.

"Designated Person" means a person designated by the local education agency to ensure that the management plan has been properly implemented.

"Emergency Abatement Operations" means an asbestos abatement operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or is necessary to protect equipment from damage. This includes operations necessitated by nonroutine failure of equipment.

"Encapsulant (sealant)" means a liquid material which can be applied to asbestos-containing building material and which temporarily controls the possible release of asbestos fibers from the material, either by creating a membrane over the surface (bridging encapsulant) or by penetrating into the material and binding its components together (penetrating encapsulant).

"Encapsulation" means the treatment of ACM with a material that surrounds or embeds asbestos fibers in an adhesive matrix that prevents the release of fibers as the encapsulant creates a membrane over the surfaces (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant). (Section 15 of the Commercial and Public Building Asbestos Abatement Act and Section 3 of the Asbestos Abatement Act)

"Enclosure" means the construction of airtight, impervious, permanent walls and ceilings between the asbestos containing material and the educational facility or building environment, or around surfaces coated with asbestos containing materials, or any other appropriate scientific procedure as determined by the Department that prevents the release of asbestos. (Section 3(k) of the Asbestos Abatement Act)

"Equipment Decontamination Enclosure" means that portion of a decontamination enclosure system designed for the controlled transfer of materials and equipment, consisting of a wash room and a holding area.

"Equipment Room" means a contaminated area or room which is part of the worker decontamination enclosure system with provisions for the storage of contaminated clothing and equipment.

"Fixed Object" means a unit of equipment or furniture in the work area which cannot be removed from the work area.

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"Friable" when referring to material in a school building or a commercial or public building means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure, and includes previously nonfriable materials after such previously nonfriable material becomes damaged to the extent that, when dry, it may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes nonfriable asbestos-containing materials which will be subjected to sanding, grinding, cutting, abrading, drilling, chipping, pulverizing, or other procedures likely to reduce these materials to a powder or cause asbestos fibers to become airborne. (Section 3(g) of the Asbestos Abatement Act)

"Glovebag" means a manufactured device consisting of a plastic bag (constructed of six-mil transparent plastic or equivalent), two inward-projecting long-sleeve rubber gloves, one inward-projecting waterwand sleeve, an internal tool pouch, and an attached, labeled receptacle for asbestos waste. The glovebag is constructed and installed in such a manner that it surrounds the object or area to be decontaminated and contains all asbestos fibers released during the removal process.

"Glovebag Technique" means a method for removing friable asbestos-containing building material from heating, ventilation, air conditioning (HVAC) ducts, short piping runs, valves, joints, elbows, and other nonplanar surfaces.

"HEPA" means high efficiency particulate air.

"HEPA Filter" means a high efficiency particulate air filter capable of trapping and retaining 99.97 percent of particles (asbestos fibers) greater than 0.3 micrometers in mass median aerodynamic equivalent diameter, with an efficiency designation of 100 under NIOSH, 42 CFR 84, Respiratory Protective Devices.

"HEPA Vacuum Equipment" means vacuuming equipment with a high efficiency particulate air filter system.

"Holding Area" means an area in the equipment decontamination enclosure located between the wash room and an uncontaminated area.

"Homogeneous Area" means a substance that is uniform in structure and composition throughout which comprises a unique sample area (e.g., boiler insulation is a separate sample area, pipe joint insulation is a separate sample area, corrugated pipe insulation is a separate sample area).

"Industrial Building" means those portions of a building (such as a factory or warehouse) primarily used in manufacturing or technically

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productive enterprises, not generally or typically accessible to persons other than workers, and used primarily in the production of power, the manufacture of products, the mining of raw materials, and/or the storage of such products or raw materials.

"Inspection" means an activity undertaken in a public or commercial building to determine the presence or location, or to assess the condition of, friable or nonfriable asbestos containing building material (ACBM) or suspected ACBM, whether by visual or physical examination, or by collecting samples of such material. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Local Educational Agency" or "LEA" means:

Any local education agency as defined in Section 198 of the Elementary and Secondary Education Act of 1965 (20 USC 3381).

The owner of any nonpublic, nonprofit elementary or secondary school building.

The governing authority of any school operated under the Defense Dependents' Education System provided for under the Defense Department's Education Act of 1978 (20 USC 921, et seq.). (Section 3(d)(1), (2), and (3) of the Asbestos Abatement Act)

"Management Plan" means a plan developed for a local educational agency for the management of asbestos in its school buildings pursuant to the federal Asbestos Hazard Emergency Response Act of 1986 [15 USC Section 2601 et seq.] and the regulations promulgated thereunder. (Section 3(t) of the Asbestos Abatement Act)

"Management Planner" means an individual licensed by the Department to prepare management plans. (Section 3(u) of the Asbestos Abatement Act)

"Mini-Containment Area" means a contained area in which glovebag procedures are conducted.

"Movable Object" means a unit of equipment or furniture in the work area which can be removed from the work area.

"Negative Air Pressure Equipment" means a portable local exhaust system equipped with HEPA filtration. The system shall be capable of maintaining a constant, low velocity airflow from contaminated areas into adjacent uncontaminated areas, creating a negative pressure differential between the outside and inside of the work area.

"NESHAP" means the National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61).



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"NIOSH" means the National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC) - NIOSH, Building J N.E., Room 3007, Atlanta, GA 30333.

"Nonfriable" means material in a school building or commercial or public building which, when dry, may not be crumbled, pulverized, or reduced to powder by hand pressure. (Section 3(s) of the Asbestos Abatement Act)

"Operations and Maintenance" means a program of work practices to maintain friable and nonfriable ACM in good condition, ensure clean up of asbestos fibers previously released, and prevent further release by minimizing and controlling friable ACM disturbance or damage.

"OSHA" means the Occupational Safety and Health Administration, 200 Constitution Avenue, Washington, DC 20210.

"Outside Air" means the air outside the work area.

"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, asbestos professional, asbestos worker, public school district, private school or any other entity.

"Personal Air Monitoring" means a method used to determine employees' exposure to airborne fibers. The sample is collected outside the respirator in the worker's breathing zone. This form of sampling is required by the OSHA asbestos standards (29 CFR 1910.1001 and 1926.1101).

"Plasticize" means to cover floors and walls with plastic sheeting as herein specified or by using spray plastics (as permitted by the Department through a variance request).

"Project" means removal, encapsulation, enclosure or repair of more than three linear feet or three square feet of asbestos-containing building materials.

"Project Activities" means activities taking place when the contractor or a designee and the contractor's supplies and equipment for asbestos abatement are present at the abatement site.

"Project Design" means the preparation of documents relating to the asbestos project, which may include but are not limited to, plans, drawings and specifications that recommend or establish the scope of work, standards of workmanship, equipment specifications or utilization, construction standards or specifications, alternative response action courses of action, and/or response action health and

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safety controls.

"Project Designer" means an individual licensed by the Department to design response actions for school buildings or commercial or public buildings. (Section 3(v) of the Asbestos Abatement Act)

"Project Manager" means an individual licensed by the Department and designated as the building owner's representative, who is responsible for overseeing asbestos abatement project activities.

"Remote Decontamination Enclosure System" means a decontamination enclosure system which is not connected to the contained area.

"Removal" means the intentional detachment of any asbestos-containing building materials from surfaces or components of a building or taking out building components.

"Repair" means rewrapping or taping damaged pipe and boiler insulation and patching of surface materials.

"Resilient Floor Covering Materials" means asbestos-containing floor tile (including asphalt and vinyl floor tile), sheet vinyl flooring, and floor adhesives or mastics.

"Response Action" means a method, including removal, encapsulation, enclosure, repair, operations and maintenance, that protects human health and the environment from friable ACM. (Section 15 of the Commercial and Public Building Asbestos Abatement Act and Section 3 of the Asbestos Abatement Act)

"Response Action Contractor" means any entity that engages in response action services for any school or commercial or public building. (Section 3(i) of the Asbestos Abatement Act)

"Response Action Services" means the service of designing and conducting removal, encapsulation, enclosure, repair, or operations and maintenance of friable asbestos-containing building materials, inspection of public or commercial buildings or school buildings, and inspection of asbestos-containing building materials. The term does not include the design or conducting of response actions that involve removal or possible disturbance of an amount of asbestos-containing building material comprising less than three square feet, or less than three linear feet of asbestos-containing insulation on pipes or other friable asbestos-containing building material. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"School" means any school district or public, private or nonpublic day or residential educational institution that provides elementary or

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*secondary education for grade 12 or under.* (Section 3(c) of the Asbestos Abatement Act)

"School Board" means the corporate body established by law to govern the school district.

"School Building" means:

*Any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food.*

*Any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education.*

*Any other facility used for the instruction or housing of students or for the administration of educational or research programs.*

*Any maintenance, storage, or utility facility, including any hallway essential to the operation of any facility described in this definition of "school building" under the preceding three paragraphs.*

*Any portico or covered exterior hallway or walkway.*

*Any exterior portion of a mechanical system used to condition interior space.* (Section (q)(1) through (6) of the Asbestos Abatement Act)

"School Personnel" means any employee of a school. (Section 3(c) of the Asbestos Abatement Act)

"Shall" means the stated provision is mandatory.

"Shower Room" means a room between the clean room and the equipment room in the worker decontamination enclosure with hot and cold running water controllable at the tap and arranged for complete showering during decontamination.

"Shut Down and Lock Out Power" means to switch off all electrical circuit breakers serving power or lighting circuits which run to, or through, the contained area. Label circuit breakers with tape over the breakers with the notation "DANGER, circuit being worked on". Lock the electrical door or panel with separate locks, one lock and key for the supervisor and one lock and key for the project manager. No other person shall have keyed access to the electrical power in the

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contained area.

"Staging Area" means the area near the equipment decontamination enclosure designated for temporary storage of containerized waste prior to removal from the work area.

"Structural Member" means any load-supporting member of a facility, such as beams and load-supporting walls, or any nonload-supporting member, such as ceilings and nonload-supporting walls.

"Student" means any student enrolled in a school. (Section 3(p) of the Asbestos Abatement Act)

"Surfactant" means a chemical wetting agent that, when added to water, will improve penetration and reduce fiber release.

"USEPA" means the Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.

"Visible Emissions" means any emissions containing particulate asbestos material that are visually detectable without the aid of instruments.

"Wash Room" means a room between the contained area and the holding area in the equipment decontamination enclosure system where equipment and waste containers are wet cleaned or HEPA vacuumed prior to disposal or removal from the work area.

"Wet Cleaning" means the process of eliminating asbestos contamination from building surfaces and objects by using cloths, mops, or other cleaning tools which have been dampened with water, and by afterward disposing of these cleaning tools as asbestos contaminated waste.

"Work Area" means designated rooms, spaces, or areas where any aspect of an abatement project is being conducted.

"Worker Decontamination Enclosure System" means that portion of a decontamination enclosure system designed for controlled passage of workers, other personnel and authorized visitors, consisting of a clean room, a shower room, and an equipment room separated from each other by airlocks and curtained doorways.

SUBPART D: GENERAL ABATEMENT REQUIREMENTS FOR  
COMMERCIAL AND PUBLIC BUILDINGS

Section 855.240 Reestablishment of the Work Area and HVAC Systems in Commercial and Public Buildings

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The contractor, building owner, or the building owner's representative shall reestablish the work area in accordance with the following procedures:

- a) Reestablishment of the work area shall only occur following the completion of the cleanup procedures and after clearance air monitoring has been performed and documented to the satisfaction of the school board or building owner.
- b) The contractor, the building owner or the building owner's designee shall visually inspect the work area for any remaining visible residue. Evidence of contamination shall necessitate additional cleaning.
- c) Additional air monitoring shall be performed if additional cleanup is necessary.
- d) Following completion of clearance air monitoring of the work area, remaining equipment and polyethylene barriers shall be removed and disposed of as asbestos-contaminated waste. Following removal, the entire area, including HVAC filter assembly and outside of the duct work, shall be wet cleaned or HEPA vacuumed to remove residual asbestos fibers.
- e) Mounted objects removed from former positions during area preparation activities may be resecured.
- f) Objects that were removed to temporary locations may be relocated to original positions.
- g) New filters shall be installed in HVAC systems, as necessary, and mechanical and electrical systems shall be reestablished in working order.

SUBPART E: LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES  
AND STANDARDS FOR ABATEMENT

## Section 855.330 Operations and Maintenance

- a) The school board or building owner shall designate a person who shall be responsible for the implementation of an operations and maintenance plan. The plan shall be instituted in every school identified or assumed as having ACM and shall be enforced at all times. The plan shall be in writing and shall meet the requirements of USEPA (40 CFR 763) and OSHA Regulations (29 CFR 1926.1101).
- b) Repair Procedures. Department-licensed asbestos workers shall be utilized when ACM must be drilled, sanded, cut, or repaired, or friable ACM must be cleaned and the following procedures shall be followed:
  - 1) Heating, cooling, or ventilating air systems shall be shut down to prevent fiber dispersal to other areas of the building.
  - 2) Openings in the work area, including windows, doorways, vents, and any other openings, shall be sealed off with six mil polyethylene or equivalent sheeting and duct tape.
  - 3) All persons shall wear respirators equipped with high efficiency HEPA filters and approved by the National Institute for

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- Occupational Safety and Health (NIOSH).
- 4) All persons shall wear disposable full body coveralls and head gear.
- 5) ACM shall be wet down with amended water before repairing or disturbing the material to reduce airborne fiber release.
- 6) Work area shall be cleaned up using wet rags, mops or sponges, leaving no visible residue.
- 7) Asbestos-contaminated waste shall be sealed in six mil labeled plastic bags and disposed of at an approved disposal site.
- 8) Maintenance or repair which results in the disturbance of ACM shall be conducted in accordance with OSHA Regulations 29 CFR 2926.1101(e) and (g).
- c) The Floor Tile Project Notice form provided by the Department must be submitted at least 10 working days prior to the beginning of an asbestos resilient floor covering material project in a school building.



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
9:00 A.M.  
MAY 18, 1999

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

*It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSCentral Management Services

1. Standard Procurement (44 Ill Adm Code 1)  
-First Notice Published: 23 Ill Reg 2824 - 3/12/99  
-Expiration of Second Notice: 6/12/99
2. Pay Plan (80 Ill Adm Code 310)  
-First Notice Published: 22 Ill Reg 20431 - 11/30/98  
-Expiration of Second Notice: 6/3/99

Commerce and Community Affairs

3. State Administration of the Federal Community Development Block Grant Program for Small Cities (47 Ill Adm Code 110)  
-First Notice Published: 22 Ill Reg 20658 - 12/4/98  
-Expiration of Second Notice: 6/6/99

Education

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4. Certification (23 Ill Adm Code 25)  
-First Notice Published: 23 Ill Reg 2440 - 2/16/99  
-Expiration of Second Notice: 6/5/99

5. Reading Improvement Program (23 Ill Adm Code 260)  
-First Notice Published: 23 Ill Reg 1465 - 2/5/99  
-Expiration of Second Notice: 6/5/99

Elections

6. Campaign Finance (26 Ill Adm Code 100)  
-First Notice Published: 23 Ill Reg 623 - 1/15/99  
-Expiration of Second Notice: 5/21/99

7. Practice and Procedure (26 Ill Adm Code 125)  
-First Notice Published: 23 Ill Reg 829 - 1/22/99  
-Expiration of Second Notice: 5/21/99

Environmental Protection Agency

8. Determination of Ammonia Nitrogen Water Quality Based Effluent Limits for Discharges to General Use Waters (35 Ill Adm Code 355)  
-First Notice Published: 22 Ill Reg 12442 - 7/17/98  
-Expiration of Second Notice: 6/11/99

Human Services

9. Recipient Rights (59 Ill Adm Code 111)  
-First Notice Published: 22 Ill Reg 19490 - 11/6/98  
-Expiration of Second Notice: 5/30/99

10. Standards and Licensure Requirements for Community-Integrated Living Arrangements (59 Ill Adm Code 115)  
-First Notice Published: 22 Ill Reg 14526 - 8/14/98  
-Expiration of Second Notice: 5/30/99

11. Temporary Assistance for Needy Families (89 Ill Adm Code 112)  
-First Notice Published: 23 Ill Reg 384 - 1/8/99  
-Expiration of Second Notice: 5/22/99

12. Temporary Assistance for Needy Families (89 Ill Adm Code 112)  
-First Notice Published: 23 Ill Reg 831 - 1/22/99  
-Expiration of Second Notice: 6/11/99

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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13. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)  
-First Notice Published: 23 Ill Reg 37 - 1/4/99  
-Expiration of Second Notice: 5/22/99
14. General Assistance (89 Ill Adm Code 114)  
-First Notice Published: 23 Ill Reg 382 - 1/8/99  
-Expiration of Second Notice: 5/30/99
15. Voter Registration Program (89 Ill Adm Code 512)  
-First Notice Published: 22 Ill Reg 19504 - 11/6/98  
-Expiration of Second Notice: 5/30/99
16. Services (89 Ill Adm Code 590)  
-First Notice Published: 23 Ill Reg 1216 - 1/29/99  
-Expiration of Second Notice: 5/22/99
17. Determination of Need (DON) and Resulting Service Cost Maximums (SCMs) (89 Ill Adm Code 679)  
-First Notice Published: 23 Ill Reg 1212 - 1/29/99  
-Expiration of Second Notice: 5/30/99
18. Repeal of Voter Registration Program (89 Ill Adm Code 880)  
-First Notice Published: 22 Ill Reg 19499 - 11/6/98  
-Expiration of Second Notice: 5/30/99

Natural Resources

19. White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill Adm Code 670)  
-First Notice Published: 23 Ill Reg 833 - 1/22/99  
-Expiration of Second Notice: 6/6/99

Nuclear Safety

20. Freedom of Information Procedures (2 Ill Adm Code 1076)  
-First Notice Published: 23 Ill Reg 2737 - 3/5/99  
-Expiration of Second Notice: 6/5/99

Pollution Control Board

21. Special Waste Classifications (35 Ill Adm Code 808)  
-First Notice Published: 23 Ill Reg 78 - 1/4/99  
-Expiration of Second Notice: 6/2/99

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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22. Special Waste Hauling (35 Ill Adm Code 809)  
-First Notice Published: 23 Ill Reg 83 - 1/4/99  
-Expiration of Second Notice: 1/4/99
  23. Standards for New Solid Waste Landfills (35 Ill Adm Code 811)  
-First Notice Published: 23 Ill Reg 116 - 1/4/99  
-Expiration of Second Notice: 6/2/99
- Procurement Policy Board
24. Rulemaking and Organization (2 Ill Adm Code 3000)  
-First Notice Published: 23 Ill Reg 1487 - 2/5/99  
-Expiration of Second Notice: 5/22/99
  25. Freedom of Information (2 Ill Adm Code 3001)  
-First Notice Published: 23 Ill Reg 1473 - 2/5/99  
-Expiration of Second Notice: 5/22/99
  26. General Policies (2 Ill Adm Code 3002)  
-First Notice Published: 23 Ill Reg 1481 - 2/5/99  
-Expiration of Second Notice: 5/22/99
- Professional Regulation
27. Illinois Certified Shorthand Reporters Act of 1984 (68 Ill Adm Code 1200)  
-First Notice Published: 22 Ill Reg 20726 - 12/4/98  
-Expiration of Second Notice: 5/22/99
  28. Illinois Dental Practice Act (68 Ill Adm Code 1220)  
-First Notice Published: 22 Ill Reg 18797 - 10/16/98  
-Expiration of Second Notice: 6/5/99
- State Police
29. Repeal of Law Enforcement Agencies Data System (LEADS) (20 Ill Adm Code 1240)  
-First Notice Published: 22 Ill Reg 21801 - 12/18/98  
-Expiration of Second Notice: 5/19/99
  30. Law Enforcement Agencies Data System (LEADS) (20 Ill Adm Code 1240)  
-First Notice Published: 22 Ill Reg 21835 - 12/18/98  
-Expiration of Second Notice: 5/19/99

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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Student Assistance Commission

31. General Provisions (23 Ill Adm Code 2700)  
-First Notice Published: 23 Ill Reg 1546 - 2/5/99  
-Expiration of Second Notice: 6/9/99
32. Federal Family Education Loan Program ((FFELP) (23 Ill Adm Code 2720)  
-First Notice Published: 23 Ill Reg 1533 - 2/5/99  
-Expiration of Second Notice: 6/9/99
33. Illinois Veteran Grant (IVG) Program (23 Ill Adm Code 2733)  
-First Notice Published: 23 Ill Reg 1571 - 2/5/99  
-Expiration of Second Notice: 6/9/99
34. Monetary Award Program (MAP) (23 Ill Adm Code 2735)  
-First Notice Published: 23 Ill Reg 1588 - 2/5/99  
-Expiration of Second Notice: 6/9/99
35. Higher Education License Plate (HELP) Grant Program (23 Ill Adm Code 2737)  
-First Notice Published: 23 Ill Reg 1567 - 2/5/99  
-Expiration of Second Notice: 6/9/99
36. Merit Recognition Scholarship (MRS) Program (23 Ill Adm Code 2761)  
-First Notice Published: 23 Ill Reg 1583 - 2/5/99  
-Expiration of Second Notice: 6/9/99
37. College Savings Bond Bonus Incentive Grant (BIG) Program (23 Ill Adm Code 2771)  
-First Notice Published: 23 Ill Reg 1528 - 2/5/99  
-Expiration of Second Notice: 6/9/99
38. Limitation, Suspension and Termination (L, S&T) Proceedings (23 Ill Adm Code 2790)  
-First Notice Published: 23 Ill Reg 1577 - 2/5/99  
-Expiration of Second Notice: 6/9/99

EMERGENCY AND PEREMPTORY RULEMAKINGSFarm Development Authority

39. Illinois Farm Development Authority (8 Ill Adm Code 1400) (Emergency)  
-Notice Published: 23 Ill Reg 4464 - 4/16/99

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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Human Services

40. Administrative Law Judges (2 Ill Adm Code 1027) (Emergency)  
-Notice Published: 23 Ill Reg 4485 - 4/16/99
41. Office of Inspector General Investigations of Alleged Abuse or Neglect and Deaths in State-Operated and Community Agency Facilities (59 Ill Adm Code 50) (Emergency)  
-Notice Published: 23 Ill Reg 4513 - 4/16/99
42. Administration (59 Ill Adm Code 101) (Emergency)  
-Notice Published: 23 Ill Reg 5138 - 4/23/99
43. Inimum Standards for Certification of Developmental Training Programs (59 Ill Adm Code 119) (Emergency)  
-Notice Published: 23 Ill Reg 4503 - 4/16/99
44. Medicaid Community Mental Health Services Program (59 Ill Adm Code 132) (Emergency)  
-Notice Published: 23 Ill Reg 4497 - 4/16/99
45. Standards and Requirements for Pre-Admission Screening and Participating Mental Health Centers (59 Ill Adm Code 258) (Emergency)  
-Notice Published: 23 Ill Reg 4547 - 4/16/99
46. WIC Vendor Management Code (77 Ill Adm Code 672) (Emergency)  
-Notice Published: 23 Ill Reg 4553 - 4/16/99
47. Repeal of Rules of Practice and Procedure in Administrative Hearings (77 Ill Adm Code 2000) (Emergency)  
-Notice Published: 23 Ill Reg 4536 - 4/16/99
48. Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill Adm Code 2060) (Emergency)  
-Notice Published: 23 Ill Reg 4488 - 4/16/99
49. Administrative Hearings (89 Ill Adm Code 508) (Emergency)  
-Notice Published: 23 Ill Reg 4468 - 4/16/99
50. Recovery of Misspent Funds (89 Ill Adm Code 527) (Emergency)  
-First Notice Published: 23 Ill Reg 4531 - 4/16/99

Public Aid



JOINT COMMITTEE ON ADMINISTRATIVE RULES

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51. Managed Care Community Networks (89 Ill Adm Code 143) (Emergency)  
-Notice Published: 23 Ill Reg 4292 - 4/9/99

**EXEMPT RULEMAKING**

Pollution Control Board

52. Sewer Discharge Criteria (35 Ill Adm Code 307)  
-Proposed Date: 1/15/99  
-Adopted Date: 4/16/99

**AGENCY RESPONSE**

Human Services

53. Individual Care Grants for Mentally Ill Children (59 Ill Adm Code 135)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 27, 1999 through May 3, 1999 and have been scheduled for review by the Committee at its May 18, 1999 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

| Second Notice Expires | Agency and Rule   | Start Of First Notice       | JCAR Meeting |
|-----------------------|---|-----------------------------|--------------|
| 6/11/99               | Environmental Protection Agency, Determination of Ammonia Nitrogen Water Quality Based Effluent Limits for Discharges to General Use Waters (35 Ill Adm Code 355) | 7/17/98<br>22 Ill Reg 12442 | 5/18/99      |
| 6/11/99               | Department of Human Services, Temporary Assistance for Needy Families (89 Ill Adm Code 112)   | 1/22/99<br>23 Ill Reg 831   | 5/18/99      |
| 6/12/99               | Department of Central Management Services, Standard Procurement (44 Ill Adm Code 1)   | 3/12/99<br>23 Ill Reg 2824  | 5/18/99      |

Rules acted upon during the calendar quarter from Issue 17 through Issue 29 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [jnatale@ccgate.sos.state.il.us](mailto:jnatale@ccgate.sos.state.il.us) (Internet address).

**PROPOSED PEREMPTORY**

2-5200-20  
2-6000-19  
17-530-17  
17-650-19  
17-550-17  
17-660-19  
17-570-17  
17-1010-19  
17-690-17  
20-106-20  
23-3070-20  
17-715-17  
32-331-19  
17-720-17  
44-2600-20  
17-730-17  
17-740-17  
17-2080-17  
50-5421-20  
23-375-19  
68-1140-20  
23-2310-20  
68-1175-20  
35-275-19  
68-1310-20  
35-307-19  
68-1320-20  
35-310-19  
68-1470-20  
35-702-17  
77-830-19  
35-703-17  
35-720-17  
77-905-17  
35-721-17  
83-451-19  
35-724-17  
86-750-20  
35-725-17  
89-113-19  
35-726-17  
89-117-18  
35-728-17  
89-140-20  
35-733-17  
89-146-20  
44-1300-18  
89-148-20  
44-2000-20  
89-240-20  
47-360-17  
89-328-18  
59-101-17  
89-378-20  
59-112-17  
89-677-17  
59-117-19  
92-386-17  
77-675-17  
92-390-17  
80-310-18,19  
92-391-17  
86-130-18  
92-392-17  
89-112-17,20  
92-393-17  
89-117-19  
92-395-17  
89-120-19  
92-396-17  
89-300-19  
92-397-17  
89-1200-19

**EMERGENCY**

23-2310-20  
44-1-20  
44-2000-20  
59-101-17  
89-112-20

**ADOPTED**

2-560-20  
2-1025R-17  
2-1175R-18  
2-1175-18

**ILLINOIS REGISTER**  
**ADMINISTRATIVE CODE ORDER FORM**

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA, MASTERCARD, OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE MADE PAYABLE TO THE "SECRETARY OF STATE".

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\_1987\_1988\_1989\_1990\_1991\_1992\_1993\_1994\_1995\_1996

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

\_1981\_1982\_1983\_1984\_1985\_1986\_1987\_1988\_1989

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

\_1984\_1985\_1986\_1987\_1988\_1989

CUMULATIVE/SECTIONS AFFECTED INDICES @\$5.00 EACH.

\_1990\_1991\_1992\_1993\_1994\_1995\_1996\_1997

BACK ISSUES OF THE ILLINOIS REGISTER (CURRENT YR. ONLY) @\$10.00 EA.

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(VOLUME #)      (ISSUE #)      (ISSUE DATE)

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ANNUAL SUBSCRIPTION TO THE ILLINOIS ADMINISTRATIVE CODE ON CD-ROM; COMPLETELY UPDATED EDITION PUBLISHED QUARTERLY @\$290.00 FOR (4) QUARTERLY EDITIONS.

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(ADDRESS)

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(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO:      **JESSE WHITE**      OR FAX TO: (217) 524-0308

**SECRETARY OF STATE**

INDEX DEPARTMENT

111 E. MONROE

SPRINGFIELD, IL 62756















